CANONS ECCLESIASTICAL OF THE CHURCH OF ENGLAND

M. E. C. WALCOTT

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CONSTITUTIONS AND CANONS, &c.

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P. a. I.

THE CONSTITUTIONS

AND

CANONS ECCLESIASTICAL

OF THE

CHURCH OF ENGLAND,

REFERRED TO THEIR ORIGINAL SOURCES, AND
ILLUSTRATED WITH EXPLANATORY NOTES,

BY

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PRÆCENTOR AND PREBENDARY OF CHICHESTER.

" Habet Ecclesia ritus statuendi jus et in Fidei controversiis auctoritatem."—*Artic.* xx. 1563.

" Non leve est canonum gyrare volumina."—*Otho the Legate.*

" Times past are schoolmasters of wisdom to us that follow and live after."—*Homilies*, p. 219.

" Every particular Church hath authority to institute, change, and abrogate ceremonies and rites in the Church, so that it be to edify."—*Cardw. Conf.*, 72.

" In the nature of reason itself there is no impediment, but that the self-same Spirit which revealeth the things that God hath set down in His law, may also be thought to aid and direct men in finding out by the law of reason what laws are expedient for the guiding of His Church."—*Hooker*, III. viii. 18.

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INTRODUCTION.

IT is a remarkable omission in our ecclesiastical literature that, hitherto, no attempt has been made to trace up the existing Canons to their original sources, as they constitute in their successive developments a history of the growth of Doctrine and Discipline in the Church of England, and especially as they are cited or enforced by the Rubric. They are now found only piecemeal scattered up and down law-books, and studied simply for some case in court. They are often quoted and rarely read. I thought, therefore, that a convenient edition with illustrative notes might receive a welcome from all those who desire a perfect acquaintance with the authoritative ceremonial of the Church in a time of grave and frequent controversy, and to obey the directions given by it within the utmost latitude permitted by a tolerant, though not a plastic, law, as it is interpreted by the illustrious band of Elizabethan and Caroline Divines, and their worthy successors after the Restoration, Cosin and others, of equal learning and loyalty. There was a time when Canon-law was not relegated by the clergy wholly to lawyers, and the perusal of Lyndwood constituted part of the ecclesiastical studies of such men as Gibson, Stillingfleet, Johnson, Burn, Hale, Watson, Prideaux, Cosin, Sparrow, and Wheatly. Bishop Fuller of Lincoln, (1668), and Archdeacon Booth of Durham, (c. 1720), inserted copious references to earlier authorities in the margins of their Articles of Visitation.

Before the Reformation, the principle had been long accepted, "In Divinis officiis quælibet Ecclesia servat suam consuetudinem," (*Lynd.*, 102); and the Church of England (boasting a name as old as Magna Charta) used her liberty, studiously guarding against a "striking at any established doctrine or laudable practice of the whole Catholic Church of Christ." She aimed at being as comprehensive as the maintenance of the truth would permit, but no compromise can be detected in the bold enunciation of principles. In building with one hand the decayed places of her walls, she had the simultaneous duty of withstanding two irreconcileable persistent foes,—the carping Puritan, at league with aliens and foreigners; and the insidious adherent of the Pope, too often a friend turned to be an enemy of his ancient mother, and still national, Church.

Hooker did battle with Cartwright, as Jewell did with Harding. It therefore affords an ample proof of the confidence which the English Church felt in her position under God, whilst language overreached the bounds of even controversial licence, and a violent faction rose up within her, which she keenly resents as that of the Anabaptists, when we find her condemning schism and requiring conformity, asserting the royal prerogative, laying down a prescript rite, and requiring a ceremonial simple without meagreness, and dignified without show; and yet embodying such debated points in Canons drawn up with unmoved temper and large-hearted moderation. She demanded for her own safety, on the part of her sons, an honest conformity in all essentials of doctrine and discipline, but she stated as her claim to it, openly to the world, (*Cardw. Conf.*, 337, 8,) that she had been careful to put nothing into her Liturgy but that which is either evidently the word of God, or what hath been generally received in the Catholic Church. Throughout her history it is very observable how consistent is the appeal to the Catholic Fathers, and the practice and usage of the Primitive Church, and the custom of the Church in time past.

The Church of England, eminently Catholic from the earliest date, has been always characterised by a spirit of comprehension, and not (as has been of late years unworthily suggested) of compromise, between parties included within her pale. Her formularies bear evident traces of the familiarity of the compilers of the Prayer-book with the Services of the Eastern Church, and a broad-hearted generous eclecticism was recommended to St. Augustine nearly thirteen centuries ago, by one of the greatest of the prelates of the Western Church: "Mihi placet, sive in Romanâ sive in Galliarum seu in quâlibet Ecclesiâ aliquid invenisti, quod plùs omnipotenti Deo possit placere, sollicitè eligas, et in Anglorum Ecclesiâ quæ adhuc ad fidem nova est, institutione præcipuâ quæ de multis ecclesiis colligere potuisti infundas; ex singulis ergò quibusque Ecclesiis quæ pia quæ religiosa, quæ recta sunt elige." (S. Gregory, 597, *Bede, H. E.*, lib. i. c. xxviii. § 60.)

It is no part of my design to trace the fortunes of ceremonial, "one doctrine and discipline, one religion in substance and ceremony," which is only another reading of the primary intention laid down in 2 & 3 Edw. VI., c. 1. Nor again does it enter into my plan to dilate upon the rubric upon Ornaments and other points of importance at the present time, introduced in the revision of 1662[a]. They are already under consideration by men of the highest ability to treat upon the subject. Still, I may point out in connection with the growth of Canons, that the expression of "two lights before the Sacrament," which is peculiar to the Edwardian Injunction, has been, perhaps, misunderstood. The altars, as I have learned from ancient illuminations, very seldom had candles upon them; but there are some instances in which they were placed at the western horns of the altar, literally being before the Sacrament, that is, of course, not the reserved Sacrament, but during the prayer of Consecration. In the title-page to the *Monasticon,* Hollar represents the traditional position of the lights and the usual triptych at the back of the altar. Cardinal Pole first placed a standing tabernacle for reservation "in medio summi altaris," with a *pepetual light* before the holy Sacrament. (*Cardw. Doc. Ann.*, i. 179; *Lyndw.*, p. 248.) By English Canon-law the priest, and not the parish, found "duos torticios." The usual plan was to arrange the lights upon a beam over the altar, or on the four upright pillars supporting the "costers," or side-curtains, and the dossal.

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[a] See the exhaustive letter of the Rev. J. Fuller Russell, B.C.L., F.S.A., in the Roy. Rit. Comm. Rep., p. 19.

I have seen but one instance of an altar-cross, not a crucifix, and then without lights. The triptych was the usual ornament.

The apparent conflict between the Ornaments Rubric (*Cosin,* v. 440) and Canon 58 may fairly be illustrated and disposed of by reference to the ancient Uses. Hereford mentions only "amice and albe" for the priest vesting for mass, whilst York is silent, and Sarum and Bangor in general terms order "vestes," shewing that usage or earlier regulations formed the rule. The cope had been used at mass. (*Machyn's Diary,* 292.) In

1732, on holydays, three copes were worn at Durham, but five on Sundays, by the dean, three senior residentiaries, and the sacrist ; at the same time copes remained at York and Carlisle. (*Standard*, June 3, 1874 ; my *Trad. and Cust. of Cath.*, 46.) Travers, the antagonist of Hooker, mentions lighted candles ; and also the previous use of the cope over the surplice at mass. On June 12, 1627, "three vestments" [chasubles] "were sent from Durham to London to be altered and changed into fair and large copes, according to the canons and constitutions of the Church of England." They continued to be worn until the summer of 1759. (*Church Rev.*, Dec. 24, 1870.) Shakespeare alludes to the preaching-dress mentioned in the notes. Cosin was content to wear a white satin cope without any embroidery.

There is one curious point connected with the cathedral use in Canon 24. The cope in all places was worn when there was no communion, and the vestment or chasuble at the time of celebration in 1549. (*Keeling*, 229). The rubric of 1604 says, "and here it is to be noted, that the Minister AT THE TIME OF THE COMMUNION, and at all other times in his ministration, shall use such ornaments in the Church as were in use by authority of Parliament in the second year[b] of the reign of King Edward the VI.th, according to the Act of Parliament set in the beginning of this book." It is simply the rubric of 1559, again overruling that of 1552, which allowed "neither vestment nor cope, but a surplice only," and "bringing back the cope, albe, and other vestments forbidden by the Common Prayer, 5 & 6 Edw. VI.," as the opponents suggested in 1603. (*Cardw. Conf.*, 314, 351.) The act referred to is that of 1 Eliz., c. 2, of which § 25 is now adopted in the rubric of 1662. These words then followed in 1559, "until other order shall be therein taken by authority of the Queen's Majesty, with the advice of her commissioners for causes ecclesiastical, or of the Metropolitan of this realm," to "ordain and publish such further ceremonies or rites as may be most for the advancement of God's glory, the edifying of His Church, and the due reverence to Christ's holy mysteries and Sacraments." No other order was

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[b] The regnal years of Edward VI., are for his second, Jan. 28, $154\frac{7}{8}$ to Jan. 27, $154\frac{8}{9}$, and for his 5th and 6th, Jan. 28, $155\frac{0}{1}$ to Jan. 28, $155\frac{2}{3}$. The Second Prayer-book passed through

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Parliament (5 & 6 Edw. VI., c. 1,) on April 6; and was to come into force on Nov. 1, 1552. The proclamation authorizing the revision of the Prayer-book in the time of James I. is dated March 5, 160¾. The Canons were submitted to Convocation on May 2, 1604, for the province of Canterbury, and on Jan. 5, 1605, for that of York. The Hampton Court Conference was held Jan. 14—18, 160¾. The changes then made in the Prayer-book, to which Canon 80 alludes, were the addition of "remission of sins" after absolution in the rubric; the words "lawful minister" in the rubric of Private Baptism; the latter part of the Catechism on the doctrine of the Sacraments; and "or laying on of hands" after Confirmation; and some prayers and thanksgivings. These alterations shew the temper of the times.

made, (*Gibson*, i. p. 362); and I have found the inventories of Lindsay Deanery, in Lincolnshire, among the Uncalendered Papers in the Public Record Office, dated Aug. 19, 6 Edw. VI., (1552), and ending with this clause: "Mem. that all the churche goodes is commytted to the saife kepyng of the saide presenters" (churchwardens) "savyng one challyce, one vestment, one coope, one surplysse, which is committed to the kepynge of the Curate for the Servyng of the Churche." Similar instances occur in Essex, (*Trans. Arch. Soc.*, v. 117, 132), and elsewhere; the effigy of Archbishop Sandys, who died in 1588, is vested in a chasuble in Southwell Minster. I also find in the parish records that the Vicar "gave a rich cope," in 1617, to Christchurch, Hants. Two copes remain at Carlisle, one at Ely, five at Durham, one at Salisbury, and several at Westminster and Riseholme. The Bishop of Ely used a cope in the present year.

The cassock is the Anglo-Saxon *subucula*, or *subumbrale*, which was worn under the "alban." (*Edgar's Laws*, 33.) The over-slipe was the surplice, which is first mentioned by name as a clerk's habit in the Laws of the Confessor; the other vestments were called mæsse-reaf (roof), (*Thorpe*, 199, 398), with the same meaning as cassock and chasuble, which are derived from *casa*, as though a covering for the priest.

Again, it is observable that Herbert, otherwise strictly quoting the Canon, adds after "dust or cobwebs," "at great festivals strewed and stuck with boughs, and perfumed with incense." So in the last century, Bishop Tanner related that at Christmas, Easter, and Whitsuntide, the whole cathedral at Ely was "perfumed with frankincense and sweet woods." (See also my *Trad. and Cust. of Cathedrals*, p. 160, and compare—

> "First burn thine incense; next, when as thou seest
> The candid stole thrown o'er the pious priest,
> With reverent curtsies come."
>
> *Herrick*, *Hesp.*, p. 409.)

We must remember that the Canons of 1604 were drawn up when, on the one hand, the Puritan "feared innovations," and the Recusants flattered themselves with hopes of "backslidings;" and it was affirmed at the Hampton Court Conference, that "no Church ought further to separate itself from the Church of Rome, either in doctrine or ceremony, than she had departed from herself when she was in her flourishing and best estate, and from Christ her Lord and Head:" the "abuses were new, the things which they abused were retained in their primitive use, and only the novel corruption was forsaken." "Religion is the soul of a kingdom, and unity the soul of religion." (*Cardw. Conf.*, 199, 200, 162.) Clearly, then, all that which was forsaken was henceforth forbidden to all staunch and conscientious Churchmen. The line of demarcation was drawn by a gentle but a firm and unhesitating hand; the single aim being, to use the words of Sancroft on another occasion, "the prosperity and flourishing estate of that excellent religion by the peculiar blessing of Heaven established among us."

The "offence of weak brethren, strong enough if not headstrong,"—if in some instances pretended weakness—"going mad with their own light," conceived itself equal to teach all the bishops in the land. "Sitting communions;" "mean men presented to cures by lay patrons;" "unseemly and irreverent usage of the Eucharist, carrying the Elements up and down the church, and dealing the bread out of a basket;" "tavern pots" used as chalices; frivolous or superstitious complaints of the use of the Surplice, and of the sign of the Cross in Baptism; mere cavils that the Article declared that making "Confirmation to be a Sacrament is a corrupt imitation," [although the Prayer-book distinctly declared it to be according to the Apostles' example]; and an inordinate store set upon preaching, were among the practices and opinions which had to be met and condemned.

To understand the difficulties under which those times laboured, we must recur to the Homilies for such a painful sight as was made then by decaying churches, by persons even in the hour of service "brawling, talking, uncomely walking, getting up and down and overthwart the church;" foul defilements, haunts of "doves, owls, stares, and choughs;" "minstrelsy, hawks and dogs," to exclude the latter altar-rails were erected: the carriers of burdens then used the church for a passage, and children made it a playground, and the morrice-dancer and summer lords and ladies came pranking in. A preacher was "in very many places scarcely heard once in a whole year, and somewhere not once in seven years." (*Peril of Idolatry*, pt. iii. p. 214.) It is no wonder, then, that reading of Homilies was enforced; and well was it, in the strife of tongues, that sound doctrine such as this was taught: "When thou goest up to the reverent Communion to be satisfied with spiritual meats, look thou up with faith upon the holy Body and Blood of thy God, marvel with reverence; touch It with the mind, receive It with the hand of thy heart, and take it fully with thy inward man." (*Worthy Rec.*, pt. i. p. 400.) Only those ceremonies which were visible expositors of doctrine distinctly repudiated, and rites which had been abused, were proscribed. Traditional usages, which were innocent in their nature, were recognised by tacit approbation, but were necessarily few [c].

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[c] "It is more agreeable both to the first institution of the said Sacrament of the most precious Body and Blood of our Saviour Jesus Christ; and also more conformable to the common use and practice both of the Apostles and of the Primitive Church by the space of five hundred years and more after

This desire of the Church was clear; that "order and reformation should be of one sort and fashion, and things prescribed accord in one form, and nigh as may be; specially that in all collegiate and cathedral churches, where cost may be more probably allowed, one manner may be used; and in all parish churches also, the same, or at the least, the like; and one manner throughout the realm."

As the Canons of the Four General Councils were made the determination of heresy, (1 Eliz., i. § 36); so the Canons of 1604 form the general authorized standard and rule of the English Church; if doctrine or discipline has been under dispute, the appeal has been to them. At this moment a scheme of revision is before Convocation, it is therefore of the highest importance to direct attention to the historic basis of these Constitutions. This will be found in the following works:—

Provinciale, Oxon, 1676. The Provincial Constitutions of England set out by fourteen Archbishops of Canterbury, from Stephen Langton to Chichele, annotated by W. Lyndwood, Bishop of St. David's.—The Legatine Constitutions of Otho and Othobon, annotated by J. de Athon, Canon of Lincoln.

Christ's Ascension," &c.—(1 Edw. VI., c. i. § 7; the section ends with a clause in Canon 30: "not condemning hereby the usage of any Church out of the King's Majesty's dominions.") See also 13 and 14 Car. II., c. iv. § 1: "one uniform order of Common Service, [1559] . . . . agreeable to the Word of God and usage of the Primitive Church."

Cardwell, Doc. Annals, 1844. Injunctions given by Edw. VI., 1547; Legatine Constitutions of Cardinal Pole, 1555; Injunctions given by Elizabeth, 1559; Advertisements, *Liber Admonitionum*, 1560.

Cardwell, *Statuta in Synodo*, 1557; *Synodalia*, 1842. *Liber Canonum disciplinæ Eccles. Anglic.*, 1571, drawn up by Archbishop Parker, Horne of Winchester, and Cox of Ely, and signed by all the other Bishops. Articles agreed upon by the Bishops and Convocation, 1583, 1585, and 1595; and the Canons of 1604, in English and Latin, confirmed by Letters Patent, but not ratified by the Legislature.

Dr. Cardwell's edition; *Reformatio Legum Ecclesiasticarum*, drawn by Cranmer, Goodrich, Cox, May, P. Martyr, R. Taylor, &c., never received confirmation.

The records of the Convocation, 1603-4, formerly in Lambeth MS., 943, were missing in 1812, according to Dr. Todd's printed Catalogue. In a copy of the Canons imprinted by Robert Barker, 1604, there are the following notes, made in 1610, (*Lamb. MS.*, 1073):—

Canon 1. "wit."—This would be limited, for every preacher hath not wit enough to be trusted with it.

,, 18. "gestures."—*Referendo singula singulis.*

,, 31. "four."—Can. 35, three ministers at the least preachers.

,, 39. "due examination."—13 Eliz., c. 12, unless he be able to answer and render to the ordinary an account of his faith in Latin, according to the said articles.

Canon 59. "excommunicated."—Let none be admitted to the Communion, or unto marriage, till it appear that they have been confirmed.
,, 60. "conveniently," and cause a perfect registry to be kept thereof.
,, 70. "without fee,"—by the officers in the registry.

The objections made against the Canons, especially for their censure of the omission of ceremonies, occur in Lamb. MS., 577, 252.

The Latin Version is of great value, as it is somewhat later than the English Canons, to which in many particulars it really gives interpretation. It also represents the agreement of the Convocation of York, which thus maintained its own privilege of assent. (*Wake's State*, 608, App. 237 - 9; *Wilkins*, iv. 426; *Lathbury*, *Hist. of Convoc.*, 209, 210.) The last words of the preamble, therefore, are (*Canones*) "per utramque provinciam tàm Cantuariensem quàm Eboracensem diligenter observandi." They were enacted by both houses of Convocation, and being ratified by the royal consent, sanctioned the revised book of Common Prayer, then lately issued (Can. 14.) The rule with regard to the punishment of breaking the Canons is laid down by Lyndwood, (lib. i. tit. 6, p. 38).

Bancroft is said to have compiled the Canons. He boldly asserted that preaching was not the only necessary duty to be performed, and the other excellent duties of the ministry to be neglected, as "the absolving of the penitent, praying for and blessing of the people, administering of the Sacraments, and the like."

Several bear a marked resemblance to the decrees made in four provincial synods of Milan, held by Cardinal Borromeo, 1565—74: for instance,—the dress, and sober conversation of the clergy, (I. 14, 23; IV. ii. 2); examination before institution, (I. 12); the observation of Sundays and Holy-days, (III. 1); ordination of the clergy at the Four Seasons, (IV. i. 5; II. i. 22; III. 10); the decent keeping of churches and churchyards, (IV. i. 4, 16, 17, 18; V. 9); marriages to be celebrated in church, and banns to be proclaimed, (II. 28; IV. 9); parishioners only to be admitted to communion, (II. i. 12); the provision of a font, decent surplice, pulpit, and frequent preaching, and prohibition of persons leaving church during sermons, (III. 3; IV. 3, 11, 25; iii. 11); and the use of bells, (I. 57); avoidance of taverns, (I. ii. 25); and caution in time of infectious diseases, (V. t. xvii.). The coincidence between the Constitutions of 1571 and these Milanese Synodals extends to correspondence in unusual terms, such as "suggestus," "circumforanei," and "ex asseribus confectæ." (*Labbe,* xv. 372, 433.)

The terms "credentia or side-table," and "faldistory"—a book (or litany) desk, are both Italian terms; but "faldstool," represented now by the bishop's "chair near the Holy Table," is a genuine old English word; the position occupied by some Caroline bishops and their assistants, has its parallel in parts of the Ambrosian rite. Again, a strong Eastern influence is perceptible[d] in the rubrics and prayers of the Liturgy both in 1549 and 1662, shewing the wide range of precedents adopted by the English Church.

"There was a design of reprinting the Canons, mend y^e^ spelling, the phrase and the translation of Scripture, put cap and verse in y^e^ margin, the quotations out of y^e^ fathers to be found out, and y^e^ l. and c. named. Obj. and answer in y^e^ margin. New breaks to be had, and y^e^ paragraphs regulated and numbered." (*MS. Harl.*, 3795, fo. 27 b, close of seventeenth century.)

In 1559, processions were forbidden except in the Rogation week, simply on the score of "contention and strife in challenging places and fond courtesy," a complaint as old as the time of Bishop Storey, who found similar inconveniences at Chichester. In 1604, even the perambulation disappears, but it was continued in point of fact much later.

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[d] The king appointed that "the Archbishop of Canterbury, and certain of the most learned and discreet bishops, and other learned men of this realm, having as well eye and respect to the most sincere and pure Christian religion, taught by the Scripture as to *the Usages in the Primitive Church* should draw and make one convenient and meet order, rite, fashion, &c." —(Act of Unif., 1548, 2 & 3 Edw. VI., § 1). At the Savoy Conference the Commissioners were "to advise upon and review the Book of Common Prayer, comparing the same with *the most ancient Liturgies, which have been used in the Church* in the Primitive and purest times."—(Cardw. Conf., 258; comp. the expressions "Catholic assent of antiquity;" "Catholic usages of primitive times;" "customs of the Churches of God," &c. Ib., 222, 337, 339, 340, 342, 353, 355.)

In 1637, a white wand and sheet were ordered to be in readiness for penitents, but there is no allusion in 1604 to the money-commutation for penance hitherto allowed; neither were the restrictions of certain prohibited times for marriage admitted, although they are embodied in later Articles of Visitation. The examination of the wives of the clergy, which Elizabeth enforced in 1559, was also not admitted; and the permission for the poor to work in harvest-time, given in 1559, was omitted in the new 13th Canon. The Ember Weeks, in 1604, were fixed as seasons for Ordination. Some Canons are merely judicial affirmations of certain of the 39 Articles; and portions of 31 and 35 (it is curious to observe) were clearly suggested first by Lord Bacon in his Advertisement of 1603. The provision in Canon 88 against superstitious ringing of bells may be traced through Grindal to Bucer, (*Scripta Anglic.*, 493); whilst Archbishop Odo, in 943, summed up in a few words the whole pith and substance of Canon 72.

In 1640, Canons were made after the dissolution of Parliament, and were to have been discussed in the Convocation of 1661, but the design was not carried out. (*Synodalia*, 160, 350, 386, 687.)

They possess only their own synodical authority, for the Statute, 13 Car. II., c. 12, does not extend to "confirm Canons made in the year 1640, nor any of them, nor any other ecclesiastical Law or Canons not formerly confirmed, allowed, or enacted by Parliament, or by the established laws of the land, as they stood in the year of our Lord, 1639."

Even in 1640, the most prominent "innovations," as they were called, embraced the position of the Holy Table altar-wise, curtains and traverses on each side, and canopies over it; with images on the parafront or cloth, and in some cases, candlesticks upon it; the use of the credentia or side-table, the offering of the Bread and Wine by the Churchwardens, "the offertory before the Communion" distinct from the giving of alms to the poor; Communion given only to persons kneeling before the rails; "doing reverence;" the saying the Litany in the midst of the body of the Church; the abolition of galleries; standing up at the hymns (people then sitting during the Psalms) and the *Gloria Patri*; and the use of the Bidding instead of a direct prayer before Sermon. It is a significant fact, that this greater regard for even lawful ritual was soon followed by years of desolation.

Where modern legislation has affected the Canons, the reference to the particular statute is given; and so early as 14 Car. II., § 17, we find an extension of the term, collegiate church and chapel, in Canons 15, 17, to those of the "Colleges of Westminster" (the Abbey Church), "Winchester and Eaton."

In 1661, the Convocation ratified a new form of the 18th Canon of 1604, and confirmed the principles embodied in Canons 31 and 34. (*Synod.*, 670.) Canons 74 and 75 were re-affirmed by the Convocation of 1640, (*Ib.*, 408); and the latter again in 1715, (*Ib.*, 825). In 1865, Canons 36, 37, 38, and 40, were re-cast by Convocation, acting under due authority. The provision of age in Canon 34 is confirmed by 44 Geo. III., c. 43; the standard of examination for Holy Orders by 13 Eliz., c. 12; the hours of marriage by 4 Geo. IV., c. 76, § 21. Canon 14 virtually by 14 Car. II., c. iv. § 2; and Canons 8 and 36 by 44 Geo. III., c. 43. Portions of Canons 36 and 39 are confirmed by 13 Eliz., c. xii. § 20; and parts of Canons 20, 21, and 49 are incorporated into the present rubric, which was adapted to Canons 26 and 27 in 1662 (*Cardw. Conf.*, 363); it quotes as authoritative Canons 26, 30, and 31, and is more stringent than Canon 24 with regard to frequent communion, and in respect of daily service than Canon 14, the tenor of which, like that of Canon 38, is modified by 35 & 36 Vict., c. 35. The admission of "strange preachers" by Canon 52 is restricted by 3 and 4 Vict., c. 33. Canons 18 and 90 were suggested by 1 Eliz., c. 1, § 9, 14. A royal letter, 1694, urges the observation of Canons 33, 34, 35, 41, 48, 59, 67, 75, 102 and 103. Some, as 9—12, 65, 66, 110, and 114 are rendered nugatory by recent legislation; as regards 92, 93, 105, 106, 126, 132, testamentary causes were removed to the Court of Probate by 20 & 21 Vict., c. 77; and matrimonial causes were likewise transferred from the Ecclesiastical Courts by 20 and 21 Vict., c. 85; whilst portions of other Canons have fallen into practical desuetude.

The following temperate and judicious rules for the interpretation of the Canon law were recognised in England: "Ubi constitutio nova nihil aliud statuit quàm antiqua, tunc benè extenditur ad præterita, sed si constitutione novâ apponeretur nova pœna, tunc dicunt tantum comprehendi futura." (*Jo. de Athon.*, *Const. Athon.*, 19.) "Consuetudo est approbata in quâ concurrunt requisita ad esse consuetudinis dùm tamen sit rationabilis et legitimè præscripta." (*Lyndw.*, lib. iii. tit. 27, p. 253.) "Statutum tollit consuetudinem abusivam: consuetudo rationabilis statutum tollit abusivum." (*Jo. de Athon, in Othon.*, 61.)

At the Reformation, in doctrine, the intention was not "to decline or vary from the Congregation of Christ's Church in any things concerning the very Articles of the Christian Faith of Christendom, or in any other things declared by Holy Scripture and the Word of God necessary for salvation." (25 Hen. VIII., c. xxi. § 13; enforced by 1 Eliz., c. i.)

Alterations and additions, however, necessarily accrued, in the later attempt to procure an absolute sameness in "an universal agreement in the public worship of Almighty God." Beyond a doubt now, as in 1662, whatever after "diligent examination may be approved by the Convocations of both provinces, will be also well accepted by all sober, peaceable, and truly conscientious sons of the Church of England." The true mean to secure a result so important is a spirit of conciliatory comprehension without unlawful compromise, the strict maintenance of essential unity in rite and doctrine, tempered by Christian liberty and generous toleration in the minor matters of purely ceremonial detail, which experience has taught us no law can define minutely, or enforce by a rigid code of rules!

Comprehension, without compromise or sacrifice of principle, is the true policy of our communion. The strain of minute uniformity soon proved too great; there is no lasting except substantial uniformity. Reverence to custom and usage must counteract the danger incident to all revisions and reforms, that "they may so acquaint men with sweetness of change, as it will undermine the stability of that which is sound and good." Mutual concessions will permit difference without division, latitude without laxity, and liberty without licence, in matters of purely temporal importance, and things indifferent. At the same time, precision can then be more easily maintained in points of essential principles and eternal doctrine, and in the great parts of the worship of God, wherein "non servatur unitas in credendo nisi eadem sit in colendo. Differentiæ rituum commendant unitatem doctrinæ ; non consensum quærit sed dissidium qui quod factis præstatur in verbis exigit."

We need to be reminded of the words uttered in ripe wisdom by a great philosopher at the time when these Canons were drawn up. "The unity of this Church is a thing no less precious than the union of these kingdoms." "It sufficeth there be a uniformity in the principal and fundamental laws, both ecclesiastical and civil, for in this point the rule holdeth which was pronounced by an ancient Father touching the diversity of rites in the Church ; for finding the vesture of the Queen in the Psalm (which did prefigure the Church) was of divers colours, and finding again that Christ's coat was without a seam, he concluded with, 'In veste varietas sit, scissura non sit.'"

A proposed code of 89 Canons, agreed upon by the two Committees of the Provincial Convocations of Canterbury and York, submitted to their respective Convocations, and published in 1874, exhibits important additions and wholesale omissions; another numbering, under fresh headings, re-arrangement and compression of those Canons which have been retained, and the introduction into their substance of various modifications. "Of consecrating a bishop," brotherhoods, lay-helpers and officers, schoolmasters, readers, visitors, diocesan synods, admission of laymen in conference, two special collections in churches, divine service after civil marriage, a national synod, and regulations of ecclesiastical courts, are the prominent new features. The sentences of excommunication included in the early Canons of 1603 disappear. The heading of Canon 31 is altered to "of the Ordination of Priests and Deacons;" the next Canon has suffered considerable change; in the 34th "three beneficed priests" are substituted for "grave ministers" and "other credible persons." The subjects of examination of candidates for Holy Orders are broadly laid down. In Canon 14 the words "at the least" are inserted after "such days." The provision that each communicant shall receive "separately" is left out, and a prescript "dress of ministers at all times of their ministration" is required, "a surplice of white linen of the accustomed form, a scarf or stole of silk, and the hood;" whilst the cope in cathedrals may be required by the bishop to be used by the celebrant. A lectern is permitted, and the font is to stand "near the entrance to the church." Confirmation, no longer triennial, is to be given "as often and in as many places as the bishop shall be able;" and a "form of subscription and declaration;" and also "a manner of institution or collating to a benefice with cure of souls" are added. The 36th Canon is curtailed; the Communion-table is ordered to "stand in the accustomed place;" "the Ten Commandments" and "chosen sentences" on the walls are not mentioned; and the "convenient seat" reappears in another Canon as the "Prayer-desk." The enumeration of persons to whom Christian burial is to be denied is amplified from the rubric. The "alms-chest" is dismissed in a few lines; the authority of the Homily is no longer urged for the repair of churches, and the important order is made that the faculty or licence from the bishop must be obtained before any material alterations are made in the fabric or ornaments of the Church. The register is to contain the names of sponsors, and the date of Confirmation, and of first Communion of persons confirmed by the bishop. Of such a code, with its numerous additions and fundamental changes, it may safely be said that at this critical time it is not desirable that it should pass into Church-law, before it has been subjected to the most ample and searching revision by both houses of Convocation, assisted by a reference to the code of Canons possessed by the American Church.

To those on whom the responsibility of revision of Rubrics and Canons may devolve, these golden words which follow afford a safe rule: "Obsecramus ut quando in aliquo conventu venerimus, totâ intentione consideremus quòd psalmista nos admonet (Ps. xxxiii. 13, 10); ideò prævidendum est, ut sit concordia et unanimitas inter episcopos et principes omnemque populum Christianum; sit unitas ubique ecclesiarum Dei, et pax; immò una sit Ecclesia fide spe et charitate, unum habens caput, quod est Christus, cujus membra se invicem adjuvare, mutuâque caritate diligere debent, ut Ipse ait, (S. Joan. xiii. 35.)" (*Const. Odonis*, 943, c. viii.)

In conclusion I may be permitted to say, that I have kept steadily in view four important points.

1. That the Church of England, whilst vindicating her independence of action at the Reformation, maintained the continuity of her existence. In her own words, "the Service in this Church of England these many years hath been read in Latin," and she now accepts as Canonical the Books of the New Testament, "commonly received," without particular enumeration. So long since as Theodulf's *Capitula*, 994, c. 7, solitary celebration was rendered impossible, as it now is.

2. That the Church of England, although disappointed in establishing perfect unison of practice, has preserved essential concurrence, with

accidental disagreement and "diversity in the Use."

3. That the Church of England has always observed a "conformity to the Catholic usages of the primitive times," (*Cardw. Conf.*, 359); and since the Reformation has claimed a position in which such a Liturgy was drawn up "as neither Romanist nor Protestant could justly except against." (*Cardw. Conf.*, 338.)

4. That all controverted points should be treated with the strictest impartiality, by simply comparing passages, adding copious references to authoritative documents, and giving historical facts.

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CONSTITUTIONS AND (*SIVE*) CANONS

Ecclesiastical, treated upon by the Bishop of London, President of the Convocation for the Province of Canterbury, and the rest of the Bishops and Clergy of the said Province; and agreed upon with the King's Majesty's Licence, in their Synod begun at London, Anno Domini 1603, *and in the Year of the Reign of our Sovereign Lord James, by the grace of God, King of England, France, and Ireland, the First, and of Scotland the Thirty-seventh: and now published for the due observation of them, by His Majesty's authority, under the Great Seal of England.* (*Per utramque provinciam observandi.*)

James, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c., to all to whom these presents shall come, greeting: Whereas our Bishops, Deans of our Cathedral Churches, Archdeacons, Chapters, and Colleges, and the other Clergy of every Diocese within the province of Canterbury, being summoned and called by virtue of our Writ directed to the Most Reverend Father in God, John, late Archbishop of Canterbury, and bearing date the one and thirtieth day of January, in the first year of our reign of England, France, and Ireland, and of Scotland the thirty-seventh, to have appeared before him in our Cathedral Church of St. Paul in London, the twentieth day of March then next ensuing, or elsewhere, as he should have thought it most convenient, to treat, consent, and conclude upon certain difficult and urgent affairs mentioned in the said Writ; did thereupon, at the time appointed, and within the Cathedral Church of St. Paul, aforesaid, assemble themselves, and appear in convocation for that purpose, according to our said Writ, before the Right Reverend Father in God, Richard, Bishop of London, duly (upon a second Writ of ours, dated the ninth day of March aforesaid) authorized, appointed, and constituted, by reason of the said Archbishop of Canterbury his death, President of the said Convocation, to execute those things, which, by virtue of our first Writ, did appertain to him the said Archbishop to have executed, if he had lived: We, for divers urgent and weighty causes and considerations us thereunto especially moving, of our especial grace, certain knowledge, and mere motion, did, by virtue of our Prerogative Royal, and Supreme Authority in Causes Ecclesiastical, give and grant by our several Letters Patent under our Great Seal of England, the one dated the twelfth day of April last past, and the other the twenty-fifth day of June then next following, full, free, and lawful liberty, licence, power, and authority unto the said Bishop of London, President of the said Convocation, and to the other Bishops, Deans, Archdeacons, Chapters, and Colleges, and the rest of the Clergy before mentioned, of the said Province, that they from time to time, during our first Parliament now prorogued, might confer, treat, debate, consider, consult, and agree of and upon such Canons, Orders, Ordinances, and Constitutions, as they should think necessary, fit, and convenient, for the honour and service of Almighty God, the good and quiet of the Church, and the better government thereof, to be from time to time observed, performed, fulfilled, and kept as well by the Archbishops of Canterbury, the Bishops, and their Successors, and the rest of the whole Clergy of the said Province of Canterbury, in their several callings, offices, functions, ministries, degrees, and administrations; as also by all and every Dean of the Arches, and other Judge of the said Archbishop's Courts, Guardians of Spiritualities, Chancellors, Deans, and Chapters, Archdeacons, Commissaries, Officials, Registrars, and all and every other Ecclesiastical Officers, and their inferior Ministers, whatsoever, of the same Province of Canterbury, in their and every other of their distinct Courts, and in the order and manner of their and every of their proceedings: and by all other persons within this realm, as far as lawfully being members of the Church, it may concern them, as in our said Letters Patent amongst other clauses more at large doth appear. Forasmuch as the said Bishop of London, President of the said Convocation, and others, the said Bishops, Deans, Archdeacons, Chapters, and Colleges, with the rest of the Clergy, having met together at the time and place before mentioned, and then and there, by virtue of our said authority granted unto them, treated of, concluded, and agreed upon certain Canons, Orders, Ordinances, and Constitutions, to the end and purpose by us limited and prescribed unto them; and have thereupon offered and presented the same unto us, most humbly desiring us to give our royal assent unto their said Canons, Orders, Ordinances, and Constitutions, according to the form of a certain Statute or Act of Parliament, made in that behalf in the twenty-fifth year of the reign of King Henry the Eighth[a], and by our said Prerogative Royal and Supreme Authority, in Causes Ecclesiastical, to ratify by our Letters Patent under our Great Seal of England, and to confirm the same, the title and tenor of them being word for word as ensueth :—

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[a] "Such Canons, Constitutions, ordinances and synodals provincial being already made, which be not contrariant or repugnant to the laws, Statutes and customs of this realm, nor to the damage or hurt of the King's prerogative royal, shall now still be used and executed as they were afore the making of this Act."—(25 Hen. VIII., c. 19. § vii.; confirmed by 1 Eliz., c. 1. § 10.)

K. James' declaration prefixed to the Articles of 1562 asserts—

"That We are Supreme Governour of the Church of *England:* And that if any Difference arise about the external Policy, concerning the *Injunctions*, *Canons*, and other *Constitutions*, whatsoever thereto belonging, the Clergy in their Convocation is to order and settle them, having first obtained leave under Our Broad Seal so to do: and We approving their said Ordinances and Constitutions; providing that none be made contrary to the Laws and Customs of the Land.

"That out of Our Princely Care that the Churchmen may do the Work which is proper unto them, the Bishops and Clergy, from time to time in Convocation, upon their humble Desire, shall have Licence under Our Broad Seal to deliberate of, and to do all such Things, as, being made plain by them, and assented unto by Us, shall concern the settled continuance of the Doctrine and Discipline of the Church of *England* now established; from which We will not endure any varying or departing in the least Degree."

The exact amount of legal weight given to the Canons by the Courts, may be ascertained from the two following judgments:—

"No canon contrary to the Common or Statute Law or the royal prerogative is of any validity."—(Blackstone, Introd., sect. iii.)

"Though they bind the clergy of the realm, the Canons of 1603, not having been confirmed by Parliament, do not bind the laity by their own force and validity, I say *proprio vigore*, for there are many provisions in those canons which are declaratory of the ancient usage and law of the Church of England, received and allowed here, which in that respect, and by virtue of such ancient allowance, will bind the laity."—(Lord Hardwicke, L. C.)

"It were greatly to be wished that Unity of Faith were accompanied with uniformity of practice in the outward worship and service of God, chiefly for the avoiding of groundless suspicions of those who are weak, and the malicious aspersions of the professed enemies of our religion."—(Canon (vii.) of 1640.)

OF THE CHURCH OF ENGLAND.

1. *The King's Supremacy over the Church of England, in Causes Ecclesiastical, to be maintained.* (*Suprema in ecclesiam Anglicanam auctoritas regiæ majestatis asserenda.*)

As our duty (*prout officii nostri ratione*) to the King's most excellent (*serenissimam*) Majesty requireth, we first decree and ordain, That the Archbishop of Canterbury, (from time to time,) all Bishops of this province, all Deans, Archdeacons, Parsons[b] (*rectores*), Vicars, and all other Ecclesiastical Persons (*cæterique ex clero quicunque*), shall faithfully keep and observe, and (as much as in them lieth) shall cause to be observed and kept of others, all and singular laws and statutes, made for restoring to the Crown of this kingdom the ancient jurisdiction over the State Ecclesiastical, and abolishing (*exterminanda*) of all foreign power repugnant to the same. Furthermore, all Ecclesiastical Persons, having cure of souls, and all other Preachers, and Readers of Divinity Lectures (*prælectores*), shall, to the uttermost of their wit, knowledge, and learning, purely, and sincerely, without any colour (*fuco*) or dissimulation, teach, manifest, open, and declare, four times every year at the least, in their sermons and other collations and lectures (*aliisque homiliis ac prælectionibus*), that all usurped and foreign power (forasmuch as the same hath no establishment (*nixam*) nor ground by the law of God) is for the most just causes taken away and abolished; and that therefore no manner of obedience, or subjection, within his Majesty's realms and dominions, is due unto any such foreign power, but that the King's power, within his realms of England, Scotland, and Ireland, and all other his dominions and countries, is the highest power under (*secundùm*) God; to whom all men, as well inhabitants, as born within the same, do by God's laws owe most loyalty (*omnem fidem*) and obedience, afore and above all other powers and potentates (*potestatem*) in the earth.

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[b] "Curator alicujus ecclesiæ parochialis. Est istud nomen, Persona, vulgare Anglicorum."—(Lyndw., lib. iii. tit. 1.)

2. *Impugners of the King's Supremacy censured.* (*Regii in ecclesiam Anglicanam primatûs coerciti.*)

Whosoever shall hereafter affirm, That the King's Majesty hath not the same authority in Causes Ecclesiastical, that the godly Kings had amongst the Jews and Christian Emperors of [*in*] the primitive Church; or impeach (*lædere aut extenuare*) in any part his regal supremacy in the said causes restored (*jamdiu vindicatum*) to the Crown, and by the laws of this realm therein established (*stabilitum*); let him be excommunicated[c] *ipso facto*, and not restored, but only by the Archbishop, after His repentance, and public revocation of those his wicked errors.

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[c] ARTICLE XXXIII. *Of excommunicate Persons, how they are to be avoided.*—That person which by open denunciation of the Church is rightly cut off from the unity of the Church, and excommunicated, ought to be taken of the whole multitude of the faithful, as an Heathen and Publican, until he be openly reconciled by penance, and received into the Church by a Judge that hath authority thereunto. The rubric directs that the Burial Office shall not be used in the case of excommunicate persons.

These Canons are an expansion of ARTICLE XXXVII. *Of the Civil Magistrates.*

The Queen's Majesty hath the chief power in this Realm of *England*, and other her Dominions, unto whom the chief Government of all Estates of this Realm, whether they be Ecclesiastical or Civil, in all causes doth appertain, and is not, nor ought to be, subject to any foreign Jurisdiction.

Where we attribute to the Queen's Majesty the chief government, by which Titles we understand the minds of some slanderous folks to be offended; we give not to our Princes the ministering either of God's Word, or of the Sacraments, the which thing the Injunctions also lately set forth by *Elizabeth* our Queen do most plainly testify; but that only prerogative, which we see to have been given always to all godly Princes in holy Scriptures by God Himself; that is, that they should rule all estates and degrees committed to their charge by God, whether they be Ecclesiastical or Temporal, and restrain with the civil sword the stubborn and evil-doers.

The Bishop of *Rome* hath no jurisdiction in this Realm of *England.*

3. *The Church of England a true* (*orthodoxa*) *and Apostolical Church.*

Whosoever shall hereafter affirm, That the Church of England, by law established under the King's Majesty, is not a true and Apostolical Church, teaching and maintaining the doctrine of the Apostles; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his repentance (*resipuerit*), and public revocation of this his wicked error.

4. *Impugners of the Public Worship of God, established in the Church of England, censured.* (*Divini cultûs ratio in Ecclesiâ Anglicanâ*[d] *stabilita, pia et orthodoxa.*)

Whosoever shall hereafter affirm, That the form of God's worship (*Liturgiæ*) in the Church of England, established by law, and contained in the Book of Common Prayer and Administration of Sacraments, is a corrupt, superstitious, or unlawful worship (*cultum*) of God, or containeth any thing in it that is repugnant to the Scriptures (*Canoni Scripturarum*); let him be excommunicated *ipso facto*, and not restored, but by the Bishop of the place (*diœcesanum*), or Archbishop, after his repentance, and public revocation of such his wicked errors.

5. *Impugners of the Articles of Religion, established in the Church of England, censured.* (*Doctrinæ Articuli in Ecclesiâ Anglicanâ stabiliti, pii et orthodoxi.*)

Whosoever shall hereafter affirm, That any of the nine and thirty Articles agreed upon by the Archbishops and Bishops of both provinces, and the whole Clergy, in the Convocation holden at London, in the year of our Lord God one thousand five hundred sixty-two, for avoiding diversities (*varietatem*) of opinions, and for the establishing of consent touching true religion (*in causâ Fidei*), are in any part superstitious or erroneous, or such as he may not with a good (*salvâ*) conscience subscribe unto; let him be excommunicated *ipso facto*, and not restored, but only by the Archbishop, after his repentance, and public revocation of such his wicked errors.

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[d] *Ecclesia Anglicana*, a term as old as Magna Charta, 9 Hen. III. c. 1; see also Stat. 26 Hen. VIII. c. 1, and Lyndw., lib. ii. tit. 3.

ARTICLES

Agreed upon by the Archbishops and Bishops of both Provinces, and the whole Clergy, in the Convocation holden at London in the year 1562, *for the avoiding of Diversities of Opinions, and for the establishing of Consent touching true Religion: Reprinted by His Majesty's Commandment, with His Royal Declaration prefixed thereunto.*

His Majesty's Declaration.

Being by God's Ordinance, according to Our just Title, *Defender of the Faith, and Supreme Governour of the Church, within these Our Dominions,* We hold it most agreeable to this Our Kingly Office, and Our own religious Zeal, to conserve and maintain the Church committed to Our Charge, in the Unity of true Religion, and in the Bond of Peace; and not to suffer unnecessary Disputations, Altercations, or Questions to be raised, which may nourish Faction both in the Church and Commonwealth. We have therefore, upon mature Deliberation, and with the Advice of so many of Our Bishops as might conveniently be called together, thought fit to make this Declaration following:

That the Articles of the Church of *England* (which have been allowed and authorized heretofore, and which Our Clergy generally have subscribed unto) do contain the true Doctrine of the Church of *England* agreeable to God's Word: which We do therefore ratify and confirm, requiring all Our loving Subjects to continue in the uniform Profession thereof, and prohibiting the least difference from the said Articles; which to that End We command to be new printed, and this Our Declaration to be published therewith.

That if any publick Reader in either of Our Universities, or any Head or Master of a College, or any other person respectively in either of them, shall affix any new sense to any Article, or shall publickly read, determine, or hold any publick Disputation, or suffer any such to be held either way, in either the Universities or Colleges respectively; or if any Divine in the Universities shall preach or print any thing either way, other than is already established in Convocation with Our Royal Assent; he, or they the Offenders, shall be liable to Our displeasure, and the Church's censure in Our Commission Ecclesiastical, as well as any other: And We will see there shall be due Execution upon them.

6. *Impugners of the Rites and Ceremonies, established in the Church of England, censured.* (*Cærimoniarum in Ecclesiâ Anglicanâ obtinentium usus pius et licitus.*)

Whosoever shall hereafter affirm, that the Rites[e] and Ceremonies of the Church of England by law established (*constitutas*) are wicked (*impias*), antichristian, or superstitious, or such as, being commanded by lawful (*quantumvis legitimâ*) authority, men, who are zealously and godly affected (*pii ac religiosi*), may not with any good (*integra*) conscience approve them, use them, or, as occasion requireth, subscribe unto them; let him be excommunicated *ipso facto*, and not restored until he repent, and publicly revoke such his wicked errors.

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[e] "Ritum, consuetudinem sive morem."—Lyndw., lib. ii. tit. 3. p. 99; ceremonies are "gestures," see Of Ceremonies in First Prayer-book of Edw. VI., and Cardw. Conf., p. 197.

"We are fully persuaded in our judgements (and we here profess it to the world) that the Book, as it stood before established by Law, doth not contain in it any thing contrary to the Word of God, or to sound Doctrine, or which a godly man may not with a good Conscience use and submit unto, or which is not fairly defensible against any that shall oppose the same; if it shall be allowed such just and favourable construction as in common equity ought to be allowed to all human Writings, especially such as are set forth by Authority, and even to the very best translations of the holy Scripture itself." (*Preface to the Book of Common Prayer*, 1662.)

7. *Impugners of the Government* (*administratio*) *of the Church of England by Archbishops, Bishops, &c., censured.*

Whosoever shall hereafter affirm, That the government (*regimen et disciplinam*) of the Church of England under his Majesty by Archbishops, Bishops, Deans, Archdeacons, and the rest that bear office (*ad ejusdem gubernaculum*) in the same, is antichristian, or repugnant (*contrarium*) to the Word of God; let him be excommunicated *ipso facto*, and so continue (*nullatenùs absolvendus*) until he repent, and publicly revoke such his wicked errors.

8. *Impugners of the Form of Consecrating and Ordering Archbishops, Bishops, &c., in the Church of England, censured.* (*Cleri ordinandi ratio in Ecclesia Anglicana Verbo Divina consona.*)

Whosoever shall hereafter affirm or teach, That the form and manner of making and consecrating (*inaugurandi*) Bishops, Priests (*presbyteros*), and Deacons, containeth any thing in it that is repugnant to (*pugnet cum*) the Word of God, or that they who are made Bishops, Priests, or Deacons, in that form (*ad eum modum*), are not lawfully made (*ritè ordinatos*), nor ought to be accounted, either by themselves or others, to be truly either Bishops, Priests, or Deacons, until they have some other calling (*aliam ordinationem*) to those divine (*sacra*) offices; let him be excommunicated *ipso facto*, not to be restored (*absolvendus*) until he repent, and publicly revoke such his wicked errors.

ARTICLE XXXVI. *Of Consecration of Bishops and Ministers.*

The Book of Consecration of Archbishops and Bishops, and Ordering of Priests and Deacons, lately set forth in the time of Edward the Sixth, and confirmed at the same time by authority of Parliament, doth contain all things necessary to such Consecration and Ordering: neither hath it any thing, that of itself is superstitious and ungodly. And therefore whosoever are consecrated or ordered according to the Rites of that Book, since the second year of the forenamed King Edward unto this time, or hereafter shall be consecrated or ordered according to the same Rites; we decree all such to be rightly, orderly, and lawfully consecrated and ordered.

"To the intent that these Orders may be continued, and reverently used and esteemed, in the Church of England; no man shall be accounted or taken to be a lawful Bishop, Priest, or Deacon in the Church of England, or suffered to execute any of the said Functions, except he be called, tried, examined, and admitted thereunto, according to the Form hereafter following, or hath had formerly Episcopal Consecration, or Ordination." (*The Preface to the Ordinal.*)

9. *Authors of Schism* (*ac desidii ab communione*) *in the Church of England censured.*

Whosoever shall hereafter separate themselves from the Communion of Saints[f], as it is approved by the Apostles' Rules, in the Church of England, and combine themselves together in a new brotherhood (*novo fraternitatis cujusdam fœdere*), accounting the Christians (*omnes*), who are conformable to the doctrine, government (*disciplinæ*), rites, and ceremonies of the Church of England, to be profane, and unmeet (*indignos*) for them to join with (*communicant*) in Christian profession; let them be excommunicated *ipso facto*, and not restored, but by the Archbishop, after their repentance, and public revocation of such their wicked errors.

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[f] "In bonis spiritualibus communicant ad invicem Fideles, quamdiu sub Christo cum aliis unum corpus fuerint."—(Lyndw., lib. i. tit. 1. S. Luke xxiv. 22; Acts iv. 23; xv. 22; ii. 42; 1 S. John i. 7; Phil. i. 5.)

"The wilful and contemptuous transgression and breaking of a common order and discipline is no small offence before God, 'Let all things be done among you,' saith St. Paul, 'in a seemly and due order:' The appointment of the which order pertaineth not to private men; therefore no man ought to take in hand, nor presume to appoint or alter any publick or common Order in Christ's Church, except he be lawfully called and authorized thereunto." (*Of Ceremonies.*)

ARTICLE XIX. *Of the Church.*

The visible Church of Christ is a congregation[g] of faithful men, in the which the pure Word of God is preached and the Sacraments be duly ministered according to Christ's ordinance in all those things that of necessity are requisite to the same.

ARTICLE XX. *Of the Authority of the Church.*

The Church hath power to decree Rites or Ceremonies, and authority in Controversies of Faith.

ARTICLE XXXIV. *Of the Traditions of the Church.*

It is not necessary that Traditions and Ceremonies be in all places one, or utterly like; for at all times they have been divers, and may be changed according to the diversities of countries, times, and men's manners, so that nothing be ordained against God's Word.

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[g] "Ecclesia Christiana cum suis Sacramentis et legibus, quæ aliter appellatur Catholica sive Universalis, dicitur Fidelium multitudo, fide et caritate unita."—(Lyndw., lib. i. tit. 1.)

Whosoever through his private judgement, willingly and purposely, doth openly break the traditions and ceremonies of the Church, which be not repugnant to the Word of God, and be ordained and approved by common authority, ought to be rebuked openly, (that others may fear to do the like,) as he that offendeth against the common order of the Church, and hurteth the authority of the Magistrate, and woundeth the consciences of the weak brethren.

Every particular or national Church hath authority to ordain, change, and abolish, ceremonies or rites of the Church, ordained only by man's authority, so that all things be done to edifying.

"In Sacramentorum exhibitione; in solennitatibus eorum consuetum Usum non vitupero, namque in his unaquæque Provincia suo sensu abundat." (*Jo. de Athon. Const. Othon.* 9.) "In Divinis Officiis quælibet Ecclesia servat suam consuetudinem." (*Lyndw.*, lib. ii. tit. 3.) "Established Doctrine, or laudable Practice of the Church of England, or indeed of the whole Catholick Church of Christ." (*The Preface*, 1662.) "The Church hath been careful to put nothing into the Liturgy, but that which is either evidently the Word of God, or which hath been generally received in the Catholic Church." (Answ. of the Bishops, 1662; *Cardw. Conf.*, 337.)

10. *Maintainers* (*fautores*) *of Schismatics in the Church of England censured.*

Whosoever shall hereafter affirm, That such Ministers as refuse to subscribe to the form and manner of

God's worship (*Divini cultûs*) in the Church of England, prescribed in the Communion (*Publicæ Liturgiæ*) Book, and their adherents (*sectatores*), may truly (*meritò*) take unto them the name (*nomen et titulum*) of another Church not established (*stabilita*) by law, and dare presume to publish (*asseverare*) it, That this their pretended Church hath of long time groaned under the burden of certain grievances imposed upon it, and upon the members thereof before mentioned, by the Church of England, and the Orders and Constitutions therein by law established (*decreta et sanctiones*); let them be excommunicated, and not restored until they repent, and publicly revoke such their wicked errors.

ARTICLE XXIII. *Of Ministering in the Congregation.*

It is not lawful for any man to take upon him the office of public preaching, or ministering the Sacraments in the congregation, before he be lawfully called and sent to execute the same. And those we ought to judge lawfully called and sent, which be chosen and called to this work by men who have public authority given unto them in the congregation, to call and send Ministers into the Lord's vineyard.

"Cùm excommunicatis non licet communicare; nec cum his qui per domos conveniunt, devitàntes orationes Ecclesiæ, simul orandum est. Si quis presbyter aut diaconus episcopum proprium contemnens, se ab Ecclesiâ sequestravit, et seorsum colligens altare constituit, et commonenti episcopo non acquieverit, hic damnetur omnino." (*Counc. Antioch*, 340, c. ii. v.) "The crime of conspiracy or confederation ought to be forbidden in the Church of God. If, therefore, any clergy conspire, or combine, or form wicked designs against bishops or brother-clergy, let them be wholly deposed from their order." (*Counc. Chalcedon*, c. xviii.) "Si quis docet Domum Dei contemptibilem esse, et conventus qui in eâ celebrentur, anathema sit." (*Counc. Gangra*, 324, c. v.) "Si quis extra ecclesiam seorsum conventus celebrat, et despiciens Ecclesiam, ea quæ sunt ecclesiæ voluerit usurpare, non conveniente presbytero, juxta decretum episcopi anathema sit." (*Ib.*, c. vi.)

11. *Maintainers* (*propugnatores*) *of Conventicles* (*in ecclesia Anglicana*), *censured.*

Whosoever shall hereafter affirm or maintain (*tuebitur*), That there are within this realm other meetings, assemblies (*conventus, cœtus*), or congregations of the King's born subjects, than such as by the laws of this land are held and allowed, which may rightly challenge to themselves the name of true and lawful (*legitimarum*) Churches; let him be excommunicated, and not restored, but by the Archbishop, after his repentance, and public revocation of such his wicked errors.

12. *Maintainers of Constitutions* (*ordinationum*) *made in Conventicles, censured.*

Whosoever shall hereafter affirm, that it is lawful for any sort (*cuivis ordini*) of Ministers and lay persons, or of either of them, to join together, and make rules, orders (*canones, decreta*), or constitutions, in Causes (*de rebus*) Ecclesiastical, without (*citra*) the King's authority, and shall submit themselves to be ruled and governed by them; let them be excommunicated *ipso facto*, and not be restored (*absolvendi*) until they repent, and publicly revoke those their wicked and Anabaptistical[h] errors.

Proclamation of James I., March 5, 1604: "The complainers used forms of public serving of God not here allowed, held assemblies without authority, and did other things carrying a very apparent shew of sedition more than of zeal, whom we restrained by a former proclamation in the month of October last."

"Ordinamus ut nullus prædicator Verbi Dei aut alia quæque persona de Sacramento altaris, matrimonio, peccatorum confessione, aliove quocunque Sacramento ecclesiæ, seu Fidei articulo aliud doceat quàm quod per matrem sanctam Ecclesiam reperitur discussum, nec vertat in dubium quod per Ecclesiam terminatur fuerit aut decisum, nec verba scandalosa circa eadem scienter proferat publicè vel occultè; neque sectam aut speciem hæreseos quacunque prædicet, doceat vel observet contra sanam doctrinam ecclesiæ. Qui autem contrarium scienter et pertinaciter attentare præsumpserit, excommunicationis sententiam ipso facto incurrat." (*Lyndw.*, lib. v. tit. 5, 295-6.)

[h] The Anabaptists condemned in the Preface of 1662, and Reform. Leg., c. 13, 16, contravened the doctrine in Articles II., XVI., XXVII., XXXVII., XXXIX., and Canon 1., which is founded on the Injunc. of Edw. VI., 1547, § 1, and 1559, § 1. Banishment in 1560, and death in 1575, was the penalty of their heresies. — (Doc. Ann., i. 396, 103, 203, 293, 392.)

OF DIVINE SERVICE (*CULTU*), AND ADMINISTRATION OF THE SACRAMENTS.

13. *Due Celebration of Sundays and Holy-days*[i]. (*Liturgia Publica et reliqua pietatis exercitia diebus sacris celebranda.*)

All manner of persons (*cujuscunque conditionis aut statûs*) within the Church of England shall from henceforth celebrate and keep the Lord's Day, commonly called Sunday[1], and other Holy-days[k], according to God's holy will and pleasure, "and the orders (*instituta*) of the Church of England prescribed in that behalf[2];" that is, in hearing the Word of God read and taught (*prædicato*); in private and public prayers; in acknowledging their offences to God, and amendment of the same; in reconciling themselves charitably to their neighbours, where displeasure (*sicubi læsa*) hath been; in oftentimes receiving the (*sacrâ*) Communion of the[3] Body and Blood of Christ (*Dominici*); in visiting of the poor (*pauperibus juvandis*) and sick; using (*interim*) all godly and sober conversation.

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[i] Founded on Royal Inj. 1559, Art. 20, which reads for [1] "their holy day," omits [2], and adds [3] "very."

[k] "Sufficit in Novo Testamento modus vacandi Divino cultui diebus Dominicis et cæteris Diebus Solennibus ad hoc auctoritate Ecclesiæ deputatis, quibus diebus modus vacandi non est sumendus superstitione Judaicâ sed a Canonicis institutis. Die Dominicâ nihil aliud agendum est nisi Deo vacandum; nulla operatio in illâ Die sanctâ agitur, nisi tantùm hymnis et psalmis et canticis spiritualibus dies illa transigatur."—(Lyndw., lib. i. tit. ii. p. 57.)

"Ordinamus ut dies illa sancta Parasceves quâ Salvator noster Dominus Jesus Christus pro salute hominum, pretiosam animam suam, post multa flagella, posuit in Cruce, in lectione cum silentio, in oratione cum jejunio, in compunctione cum lacrymis festivè [ad instar diei festi] celebretur."—(Lyndw., lib. ii. tit. 3, p. 100.)

"On Sunday and the great festivals the priests of God shall often invite the people to meet in the church, to hear the Word of God, and be often present at the Holy Sacrament and at preaching of sermons." (*Counc. Cloveshoe*, 747, c. xiv.) "Sunday is highly to be honoured. Let not any quarrel, or dispute, or discord be heard: but be there calm of mind at the Holy Ministration. Let them intercede both for themselves and for all God's people with prayers and alms." (*Theod. Capit.*, 994, c. xxiv.; *Counc. Eanham*, 1009, c. xv.)

14. *The Prescript Form* (*Canon*) *of Divine Service to be used* (*observandus*) *on Sundays and Holy-days,* (*Diebus sacris only*[1]).

The Common Prayer shall be said or sung[m] distinctly and reverently (*debitâ cum reverentiâ*) upon such days as are appointed to be kept holy by the Book of Common Prayer[n], and their Eves (*Vigiliis*), and at convenient (*congruis*) and usual times of those days, and in such (*potissimùm*) place of every Church as the Bishop of the diocese, or Ecclesiastical Ordinary of the place, shall think meet for the largeness or straitness of the same, so as the people may be most edified. All Ministers likewise shall observe the Orders (*instituta*), Rites, and Ceremonies prescribed in the Book of Common Prayer, as well in reading the Holy Scriptures, and saying (*recitandis*) of Prayers, as in administration of the Sacraments, without either diminishing in regard of preaching, or in any other respect (*causæ*), or adding any thing in the matter or form thereof.

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[1] Founded on the Advertisements of 1560, which read, "decently and distinctly in such place as the ordinary shall think meet for the largeness and straitness of the church and quire, so that the people may be most edified." The last clause is new. The cathedral churches are equally bound to the prescript form by a Canon of 1571.

[m] "That there be a modest and distinct song, so used in all parts of the Common Prayer in the church, that the same may be as plainly understanded as if it were read without singing." —(Roy. Injunc. 1559, Art. xlix.) The *Reformatio* (1552) suggests, "Cantus sit clarus et aptus et ad auditorum omnia sensum et intelligentiam perveniant. Itaque vibratam illam et operosam Musicam quæ Figurata dicitur auferri placet, quæ sic in multitudine auribus tumultuatur ut sæpè linguam non possit ipsam loquentium intelligere. Tum auditores etiam ipsi sint in opere simul cum clericis et ministris certas Divinorum Officiorum particulas canentes. His enim piis Divini cultûs exercitationibus et invitamentis populus se ipse eriget; ac sensum quendam habebit orandi; quorum si nullæ nisi auscultandi partes sint, ità friget ac jacet mens, ut nullam de rebus divinis vehementem et seriam cogitationem suscipere possit." —(De Div. Off., c. 5.)

Rubric.—The Morning and Evening Prayer shall be used in the accustomed Place of the Church, Chapel, or Chancel; except it shall be otherwise determined by the Ordinary of the Place. And the Chancels shall remain as they have done in times past.

And the Curate that ministereth in every Parish Church or Chapel, being at home, and not being otherwise reasonably hindered, shall say the same in the Parish Church or Chapel where he ministereth, and shall cause a Bell to be tolled thereunto a convenient time before he begin, that the people may come to hear God's Word, and to pray with him.

"Non in Tragœdorum modum guttur et fauces dulci modulamine liniendæ sunt ut in ecclesia theatricales moduli audiantur et cantica. Simplicem sanctamque melodiam secundum morem Ecclesiæ sectentur." "Priests who cannot attain to this, shall simply read, say, or rehearse the words." (*Counc. Cloveshoe*, 747, c. xii.) "The rubric directs only singing [in a plain tune, Prayer-book, 1549], as is after the manner of distinct reading." (Answ. of the Bishops, 1662; *Card. Conf.*, 351.) This is the "modest and distinct song, as if read without singing." (*Cf. the Injunc.* of 1559, n. 49.)

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[n] "Oratio Communis fit per ministros Ecclesiæ in personam totius populi."—(Lyndw., lib. ii. tit. 33, p. 100.)

A Table of all the Feasts that are to be observed in the Church of England throughout the Year.

All Sundays in the Year.

The Days of the Feasts of

- The Circumcision of our Lord JESUS CHRIST, Jan. 1.
- The Epiphany, Jan. 6.
- The Conversion of *St. Paul*, Jan. 25.
- The Purification of the Blessed Virgin, Feb. 2.
- *St. Matthias* the Apostle, Feb. 24.
- The Annunciation of the Blessed Virgin, March 25.
- *St. Mark* the Evangelist, April 25.
- *St. Philip* and *St. James* the Apostles, May 1.
- The Ascension of our Lord JESUS CHRIST.
- *St. Barnabas*, June 11.
- The Nativity of *St. John* Baptist, June 24.

The Days of the Feasts of

- *St. Peter* the Apostle, June 29.
- *St. James* the Apostle, July 25.
- *St. Bartholomew* the Apostle, Aug. 24.
- *St. Matthew* the Apostle, Sept. 21.
- *St. Michael* and all Angels, Sept. 29.
- *St. Luke* the Evangelist, Oct. 18.
- *St. Simon* and *St. Jude*, Apostles, Oct. 28.
- All Saints, Nov. 1.
- *St. Andrew* the Apostle, Nov. 30.
- *St. Thomas* the Apostle, Dec. 21.
- The Nativity of our Lord, Dec. 25.
- *St. Stephen* the Martyr, Dec. 26.
- *St. John* the Evangelist, Dec. 27.
- The Holy Innocents, Dec. 28.

Monday and *Tuesday* in *Easter-Week.*
Monday and *Tuesday* in *Whitsun-Week.*

A Table of the Vigils, Fasts, and Days of Abstinence, to be observed in the Year.

The Evens or Vigils before	The Nativity of our Lord. The Purification of the Blessed Virgin *Mary*. The Annunciation of the Blessed Virgin. Easter-Day. Ascension-Day. Pentecost.	The Evens or Vigils before	*St. Matthias.* *St. John* Baptist. *St. Peter.* *St. James.* *St. Bartholomew.* *St. Matthew.* *St. Simon* and *St. Jude.* *St. Andrew.* *St. Thomas.* All Saints.

Note, that if any of these Feast-Days fall upon a *Monday*, then the Vigil or Fast-Day shall be kept upon the *Saturday*, and not upon the *Sunday* next before it [o].

Days of Fasting, or Abstinence.

I. The Forty Days of Lent.

II. The Ember Days at the Four Seasons, being the *Wednesday*, *Friday*, and *Saturday* after . . . .
- The First *Sunday* in Lent
- The Feast of *Pentecost*.
- *September* 14, and *December* 13.

III. The Three *Rogation-Days*, being the *Monday*, *Tuesday*, and *Wednesday*, before *Holy Thursday*, or the *Ascension* of our Lord.

IV. All the *Fridays* in the Year, except CHRISTMAS-DAY.

15. *Litany to be read (recitanda) on Wednesdays and Fridays.*

The Litany shall be said or sung when, and as (*sub eâ formâ*) it is set down in the Book of Common Prayer, by the Parsons (*rectoribus*), Vicars, Ministers, or Curates, in all Cathedral, Collegiate [p], Parish Churches and

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[o] Lyndwood mentions as Vigils, those of Christmas, Easter, Pentecost, All Saints, St. Matthew, and St. John Baptist.—(Lib. ii. tit. 3.)

[p] "Collegiata Ecclesia, illa, in qua sunt plures, tanquam unum corpus facientes: signa Collegii, scil. Sigillum commune et ejus usus; prælati electio; tractatus communis ut in

Chapels, in some convenient place, according to the discretion of the Bishop of the diocese, or Ecclesiastical Ordinary of the place. [q] And that we may speak more particularly (*restrictiùs*), upon Wednesdays and Fridays weekly, though they be not Holy-days (*festivi*), the Minister, at the accustomed hours of Service, shall resort (*præsto erit*) to the Church or Chapel, and, warning being given to the people (*populo convocato*) by tolling (*sonitum*) of a bell, shall say the Litany prescribed in the Book of Common Prayer; whereunto we wish every (*debebunt singuli*) householder dwelling within half-a-mile of the Church to come, or send one at least of his household, fit to join with (*assistat*) the Minister in prayers.

"Immediately before High Mass, the Priests, with others of the quire, shall kneel in the midst of the Church, and say or sing, plainly and distinctly, the Litany which is set forth in English, with all the suffrages following." (*Inj. Edw. VI.*, 1547, n. 23). "The Priest and Clerks kneeling (in the place where they are accustomed to say the Litany)." (*A Commination.*) "Have you a desk whereat to say the Litany in the midst of the Church?" (*Cosin's Art.*, 1662, n. 5.) "Rubric.—The Litany, or General Supplication, to be sung or said after Morning Prayer on Wednesdays and

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Capitulo; item arca communis."—(Const. Otho., gl. x. p. 6, in Provinc.) Such are Windsor and Westminster; Ripon and Manchester, before their elevation to be sees; and previous to their gradual extinction by Act of Parliament, Southwell, Wolverhampton, Middleham, Heytesbury, and Brecon, were collegiate.

[q] The second clause is almost word for word as xlviii. in the Injunc. of 1559. The last passage runs thus: "Immediately before the time of Communion of the Sacrament, etc."—(§ xviii.)

Fridays, and other days appointed by the Ordinary." "Ordinati in sacris et etiam beneficiati sub titulo ecclesiastico tenentur ad Horas Canonicas." (*Lyndw.*, lib. iii. tit. 23, p. 226.)

16. *Colleges (in Academiis) to use the prescript Form (Canon) of Divine Service. (Liturgiæ Publicæ.)*

In the whole Divine Service (*integram liturgiam*), and administration of the Holy Communion, in all Colleges and Halls in both Universities, the Order, Form, and (*omnes*) Ceremonies shall be duly observed, as they are set down and prescribed in the Book of Common Prayer, without any omission or alteration (*innovatione*).

17. *Students in Colleges to wear Surplices in time of Divine Service (et epomides in academiis adhibendæ.)*

All Masters and Fellows of Colleges or Halls, and all the Scholars and Students in either of the Universities, shall in their Churches and Chapels, upon all Sundays, Holy-days, and their Eves, at the time of Divine Service, wear Surplices, according to the order (*mores ac instituta*) of the Church of England: and such as are Graduates shall agreeably (*competentia*) wear with (*superinduent*) their Surplices such Hoods (*caputia*) as do severally appertain unto their degrees.

18. *A Reverence and Attention to be used within the Church in time of Divine Service. (Inter Liturgiæ Publicæ Celebrationem reverentia solennis adhibenda.)*

In the time of Divine Service (*cùm Divina peraguntur*), and of every part thereof, all due (*condigna*) reverence is to be used; for it is according to the Apostle's rule, *Let all things be done decently and accord-*

ing to order; answerably (*consentaneas*) to which decency and order, we judge these our directions (*regulas*) following: No man shall cover his head in the Church or Chapel in the time of Divine Service, except he have some infirmity; in which case let him wear a nightcap[r] or coif (*pileolo aut ricâ*). All manner (*cujuscunque statûs aut conditionis*) of persons then present shall reverently (*humiliter*)[s] kneel upon their knees, when the general Confession, Litany[t], and other prayers are read (*recitantur*); and shall stand up at the saying of the Belief (*Fidei Symbolum*), according to the rules in that behalf prescribed in the Book of Common Prayer: and likewise when in time of (*inter*) Divine Service the Lord Jesus (*Nomen Domini Jesu inciderit*) shall be mentioned, due and lowly (*congrua ac humili*) reverence shall be done by all persons present, as it hath been accustomed; testifying by these outward ceremonies and gestures[u], their inward humility, Christian resolution

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[r] "Coypham (infulam) vel tenam portare potest in bursâ vel crumenâ suâ ad utendum de nocte."—(Jo. de Athon. Const. Othob., tit. v. p. 88.) For the coif, see Planche's "Costume." It was a flat broad cap, or bonnet.

[s] "Cum humiliatione, ... valdè devotè, cum inclinatione." —(Maskell, Anc. Lit., 122, 3.)

[t] "In time of the Litany, and all other Collects and common supplications to Almighty God, all manner of people shall devoutly and humbly kneel upon their knees, and give ear thereto; and that whensoever the Name of Jesus shall be in any Lesson, Sermon or otherwise in the church pronounced, that due reverence be made of all persons with lowness of courtesy."—(Roy. Inj, 1559, § lii.) "No man, woman or child shall be otherwise occupied in the time of the service . . . ministered,"—(§ xxxix.) The last clause is slightly varied from § xvii., adding the "Litany, and when the priest readeth the Scripture;" and the two preceding sentences are adapted from a Constitution of 1571.

[u] This passage defines the disputed term "ceremonies," to mean bodily acts. The principle was still further carried out in 1640: "Whereas the Church is the House of God, dedicated to His holy worship, and therefore ought to mind us of the greatness and goodness of His divine majesty, certain it is that the ac-

(*constantiam*), and due acknowledgment that the Lord Jesus Christ, the true and eternal Son of God, is the only Saviour of the world, in Whom alone all the mercies, graces, and promises of God (*indultæ*) to mankind, for this life, and the life to come, are fully (*integræ*) and wholly comprised. None, either man, woman, or child, of what calling soever, shall be otherwise at such times busied (*intendet*) in the Church, than in quiet attendance to hear, mark (*observet*), and understand that which is read, preached, or ministered; saying in their due places audibly with (*clarâ voce subserviat*) the Minister, the Confession, the Lord's Prayer, and the Creed; and making such other answers to the public prayers, as are appointed in the Book of Common Prayer; neither shall they disturb the Service or Sermon, by walking or talking (*garriendo*), or any other way; nor depart out of the Church during the time of Service or

knowledgment thereof, not only inwardly in our hearts, but also outwardly with our bodies, must needs be pious in itself, profitable unto us, and edifying to others, we therefore think it very meet and behoveful, and heartily commend it to all good and well-affected people, members of this Church, that they be ready to tender unto the Lord the said acknowledgment, by doing reverence and obeisance both at their coming in and going out of the said churches, chancels, or chapels, according to the most ancient custom of the Primitive Church in the purest times, and also of this Church. The reviving, therefore, of this ancient and laudable custom we heartily commend to the serious consideration of all good people, not with any intention to exhibit any religious worship to the Communion-table, the East, or Church, or anything therein contained in so doing; or to perform the said gesture in the Celebration of the Holy Eucharist, upon any opinion of a corporal Presence of the Body of Jesus Christ on the Holy Table, or in Mystical Elements, but only for the advancement of God's majesty, and to give Him alone that honour and glory that is due unto Him, and not otherwise. In the practice or omission of this rite, we desire that the Rule of Charity prescribed by the Apostle may be observed, that is, that they which use this rite despise not them who use it not, and that they who use it not condemn not those that use it."—(Canon vii. of 1640.)

Sermon, without some urgent (*justa*) or reasonable cause.

"Hortamur in Domino quòd omnibus et singulis ecclesiis per nostras diœcesin et provinciam Divina officia quotiescunque celebrantes et audientes, tàm clerici cujuscunque statûs quàm laici, tàm in choro quàm alibi in ecclesiâ, audito eo sanctissimo nomine Jesu, mentem caput et corpus devotissimè inclinent, et humillimè Deo flectant." (*Wilkins' Conc.*, iii. 20.) "Inclinatio capitis significat devotionem mentis sive cordis." (*Lyndw.*, lib. v. tit. 5, p. 298.) "The faithful who enter in and hear the Scriptures, but do not remain for Prayers and the Holy Communion, shall be excommunicated, as they that cause disorder in the Church." (*Apost. Const.*, ix., ed. Beveridge.) "Cùm aut precationes publicæ aut conciones Verbi Domini aut Lectiones sacræ in ecclesiâ fiant, aut Sacramenta Domini ministrentur, prorsùs nullus audiatur in cœtu obambulantium, altiùs legentium, precantium, vel loquentium, aut quoquo modo obstrepentium tumultus[v]." (*Reform. Leg. de Eccles.*, c. ii.)

19. *Loiterers not to be suffered near the Church in time of Divine Service.* (*Otiosi ab ecclesiæ ambitu repellendi inter Liturgiæ Publicæ celebrationem.*)

The Churchwardens (*Œconomi ecclesiarum*[x]) or Questmen (*Inquisitores*), and their (*sive*) assistants, shall not suffer any idle persons[y] to abide (*desidere*) either in the Church-yard or Church-porch[z], during the time of Divine Service, or Preaching, but shall cause them either to come in, or to depart.

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[v] The Canon was recast by Convocation in 1662, embodying the 14th, 19th, and 90th canons; and requiring also standing at hymns, and at the *Gloria Patri* [except in the Litany and Commination]; reverence to God's venerable sanctuaries, and, at entrance into church, an humble address for His divine assistance and blessing upon the Service.—(Synodalia, 672; Wilkins, iv. 575; Lathbury, 254.)

[x] "Guardiani ecclesiæ."—(Lyndw., lib. i. tit. 10.)

20. *Bread and Wine to be provided against every Communion* (*in Sacræ Cœnæ usum*).

The Churchwardens of every parish, against the time of every communion, shall, at the charge of the parish, with the advice and direction (*consulto*) of the Minister, provide a sufficient quantity of fine white Bread (*panis siliginei*), and of good and wholesome Wine, for the number of Communicants that shall from time to time (*in tempus Sacræ Cœnæ*) receive there: which wine we require to be brought to the Communion-table (*mensam Domini*) in a clean and sweet standing pot or stoop[a] of pewter (*œnophoro nitido et mundo*), if not of purer (*præstantiore*) metal.

"Have you a chalice and a flagon of silver? Is the Wine for the Communion white, or reddish which should resemble blood, and doth more effectually represent the Lord's Passion upon the cross, whereof the Blessed Sacrament is a commemorative representation?" (*Mountagu's Art.*, 1638, tit. 2, § 14.)

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[y] Canons of 1571: "Circumforanei mercatores quos Pedularios appellant; mendici aut errones quibus nulla est certa sedes."

[z] "Porticus per quam fit aditus in ecclesiam vel capellam et est ipsius pars."—(Lyndw., lib. iii. tit. 6.)

[a] The chalice, and therefore its cover the paten, was to be of the precious metals.—(Lyndw., pp. 9, 235, 249; Counc. of Westminster, 1175, c. xvi.; York, 1195, c. ix.; Oxford, 1222, c. xi.; Arles, 1257, c. vi.) The standing pot or cup is the "flagon" of the rubric.

"That the Communion Bread be thicker and broader than it is now commonly used." (*Interpr. of Bishops*, 1559.) "Where also it was in the time of K. Edward VI. used to have the Sacramental Bread of common fine bread, it is ordered, for the more reverence to be given to these Holy Mysteries, being the Sacraments of the Body and Blood of our Saviour Jesus, that the same sacramental bread be made and formed plain, without any figure thereon, of the same fineness and fashion round, though somewhat bigger in compass and thickness, as the usual bread and wafer which served for the use of the Private Mass." (*Inj.* 1559, § 53.) "That the Bread be brought in a clean cloth or napkin." (*Wren's Orders*, 1636, § 16.) "Have you a paten for the Bread, as also a corporas cloth or napkin of fine linen to cover the Bread Consecrated, which cannot all at once be contained in the paten, and to fold up what is not used at Communion?"

The Rubric.—¶ The Bread and Wine for the Communion shall be provided by the Curate and the Churchwardens at the charges of the Parish.

¶ And to take away all occasion of dissension, and superstition, which any person hath or might have concerning the Bread and Wine, it shall suffice that the Bread be such as is usual to be eaten; but the best and purest Wheat Bread that conveniently may be gotten.

21. *The Communion to be Thrice a Year received*[b].

(*Cœnæ trina perceptio quotannis indicta.*)

In every Parish Church and Chapel, where Sacraments are to be administered within this realm, the Holy Communion (*Cœnam Dominicam*) shall be administered by the Parson (*rectore*), Vicar, or Minister, so often, and at such times as every parishioner may communicate (*Sacramentum illud percipere*) at the least thrice[c] in the year, (whereof (*nominatim verò*) the feast of Easter to be one,) according as they are appointed by the Book of Common Prayer. Provided, That every Minister, as oft as he administereth the Communion, shall first receive that Sacrament himself. Furthermore, no Bread or Wine newly brought (*siquid . . . afferri contigerit*) shall be used; but first the words of Institution shall be rehearsed, when the said Bread and Wine be present upon the Communion-table (*mensa Domini*). Likewise, the Minister shall deliver both the Bread and the Wine to every Communicant[d] severally (*singulis communicantibus separatim et per vices distribuat*).

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[b] "Corpus Christi est cibus animæ, non debet servari nisi ad opus infirmorum, non debet poni ad alium usum quàm ad eum pro quo institutum est, nam debet comedi; dicit 'accipite et comedite' non 'accipite et conservate sive recondite.'"—(Lynd., lib. iii. tit. 26, p. 249.)

[c] "Sæculares qui in Natali Domini, Pascha, et Pentecoste non communicaverint, Catholici non credantur."—(Council of Agde, 506, c. xviii., cited in Ecgbright's Excerp., 740, c. xxxviii.) "Ter communicari moneantur, viz. in Pascha, in Pentecoste, in Natali Domini."—(Lyndw., lib. v. tit. 16, p. 343-4; and Answ. of the Bishops, 1662; Cardw. Conf., 354.) The rubric, 1662, confirms this Canon.

[d] "It is most requisite that the Minister deliver the Bread and Wine into every particular communicant's hand, and repeat the words in the singular number, for so much as it is the propriety of Sacraments to make particular obsignation to each believer."—(Ans. of Bishops, 1662; Card. Conf., 354.)

The Church of England absolutely prohibited the abuse of private masses, by these rubrics:—"There shall be no Celebration of the Lord's Supper except there be a convenient number to communicate with the Priest, according to his discretion."

"But if the sick person be not able to come to the Church, and yet is desirous to receive the Communion in his house; then he must give timely notice to the Curate, signifying also how many there are to communicate with him, (which shall be three, or two at the least,) and having a convenient place in the sick man's house, with all things necessary so prepared, that the Curate may reverently minister, he shall there celebrate the Holy Communion." A special and solitary exception adds force to the rule;

¶ In the time of the Plague, Sweat, or such other like contagious times of sickness or diseases, when none of the Parish or neighbours can be gotten to communicate with the sick in their houses, for fear of the infection, upon special request of the diseased, the Minister may only communicate with him.

The rehearsal of the words of Institution was made peremptory by the rubric of 1662:—

¶ If the consecrated Bread or Wine be all spent before all have communicated, the Priest is to consecrate more according to the Form before prescribed; beginning at [*Our Saviour Christ in the same night, &c.*] for the blessing of the Bread; and at [*Likewise after Supper, &c.*] for the blessing of the Cup.

¶ When all have communicated, the Minister shall return to the Lord's Table, and reverently place upon it what remaineth of the Consecrated Elements, covering the same with a fair linen cloth [e].

¶ Then shall the Minister first receive the Communion in both kinds himself, and then proceed to deliver the same to the Bishops, Priests, and Deacons, in like manner, (if any be present,) and after that to the people also in order, into their hands, all meekly kneeling. And, when he delivereth the Bread to any one, he shall say,

¶ And the Minister that delivereth the Cup to any one shall say.

22. *Warning* (*solennis indictio*) *to be given beforehand for the Communion.* (*Cœnæ administrationem.*)

Whereas every lay person is bound to receive the holy Communion [f] (*Communionem Sacræ Cœnæ*) thrice every year, and many notwithstanding do not receive that Sacrament once (*vix semel*) in a year; we do require every Minister to give warning to his parishioners publicly in the Church at (*inter*) Morning Prayer, the Sunday before every time of his administering that Holy Sacrament, for their better preparation of themselves; which said warning we enjoin the parishioners to accept and obey, under the penalty and danger of the law [g].

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[e] "Corporale ex panno lineo puro . . . erit candidum atque mundum."—(Lyndw., lib. iii. tit. 23.) "Have you a napkin of fine linen?"—(Montagu's Art., 8. 10.) "Cum reverentiâ, inclinando."—(Lyndw., p. 71; Othob., 81.)

[f] See note c, p. 31, Rubric: "There shall be no communion except four, or three at the least, communicate with the priest."

[g] Absence from church was punishable by the censures of the Church (Act of Uniformity, 1552), and presence at any other

Rubric.—¶ And note, that every Parishioner shall communicate at the least three times in the year, of which Easter to be one.

Rubric.—¶ When the Minister giveth warning for the celebration of the Holy Communion (which he shall always do upon the Sunday, or some Holy-day, immediately preceding).

23. *Students in Colleges to receive the Communion Four times a Year.* (*Cœnæ usus frequentior academicis indictus, et Cœnâ utentibus genuum flexio injuncta.*)

In all Colleges and Halls within both the Universities, the Masters and Fellows, such especially as have any pupils, shall be careful that all their said pupils, and the rest that remain (*agunt*) amongst them, be well brought up, and thoroughly instructed (*piè et rectè educentur*) in points (*articulis*) of religion, and that they do diligently frequent public Service (*Liturgiam*) and Sermons, and (*jugiter*) receive the Holy Communion; which we ordain to be administered in all such Colleges and Halls the first or second Sunday of every month, requiring all the said Masters, Fellows, and Scholars, and all the rest of the Students, Officers, and all other the servants (*famuli ac ministri*) there, so to be ordered, that every one of them shall communicate four times in the year at the least, kneeling reverently and decently (*ut par est*) upon their knees, according to the order[h] of the Communion Book prescribed in that behalf.

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service than that of the Book of Common Prayer, by imprisonment. The Act of Uniformity, 1 Eliz. § 14, punished unlawful absence from church by the censures of the Church, and by a fine of 12d. for every such offence.

[h] "ritum," defining the word to mean Form and Manner

"Judicium sibi manducunt et bibunt qui Illud indignè assumunt" (*Const. Othob.*, tit. viii.): "quod fieri dicitur nisi tria adsint, viz. timor, fides et consideratio diligens." (*Jo. de Athon.*, p. 94.)

24. *Copes to be worn in Cathedral Churches by those that administer the Communion.* (*Cœnæ in Festis solennibus administratio in ecclesiis Cathedralibus indicta et Cœnam administrantibus Capparum usus injunctus.*)

In all Cathedral and Collegiate Churches the holy Communion (*Sacram Cœnam*) shall be administered upon principal feast-days, sometimes by the Bishop, if he be present, and sometimes by the Dean, and at sometimes by a Canon or Prebendary, the Principal Minister[i] using a decent Cope[k] (*Ministrum ibidem maximè eminentem eundemque decente cappa amictum*), and being assisted with the Gospeller and Epistler agreeably according to the Advertisements (*Admonitiones*) published Anno 7 Eliz.[l] The said Communion to be

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["order, Rite and fashion,"] as distinct from "external ceremony," so called in Act 2 & 3 Edw. VI., c. 1.

[i] The English Version marks the celebrant, and the Latin his rank in the cathedral church.

[k] The cope is a cloak-like vesture, fastened at the neck by a band or brooch. Cartwright mentions it as having been "used even in singing of Mass."—(Declar. of Eccles. Discipl. 1574, p. 132.) Decent, euschemon, (1 Cor. xiv. 40; xii. 24,) means dignified and comely; seemly in sight. (Comp. Lyndw., 248, 9.) The present bishops of London and Lincoln have worn the cope at Holy Communion in their cathedral churches.

[l] 1560, where it is added, "and at all other prayers to be said at the Communion-table, to use no copes, but surplesses." The bishops say, without restriction to place, "that there be used the cope in the ministration of the Lord's Supper."—(Interpr., 1559.) Agreeably means, "congrue" or "convenienter" uniformly.—(Faerie Queen, VI. vii. 3.) The Latin Version omits the word, but in its heading evidently designs copes for celebrant and assistants. The Rubric of 1549 runs thus: "the Priest that shall execute the Holy Ministry, shall put upon him

administered at such times (*horis*), and with such limitation, as is specified in the Book of Common Prayer. Provided, That no such limitation by any construction shall be allowed of, but that all Deans, Wardens, Masters or Heads (*Præfecti*) of Cathedral and Collegiate Churches[m], Prebendaries, Canons, Vicars, Petty (*minores*) Canons, Singing-men (*cantores*), and all others of the foundation (*gremio*), shall receive the Communion four times yearly at the least.

Rubric.—¶ And in Cathedral and Collegiate Churches, and Colleges, where there are many Priests and Deacons, they shall all receive the Communion with the Priest every Sunday at the least, except they have a reasonable charge to the contrary.

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the vesture appointed for that ministration, that is to say, a white albe plain, with a vestment or cope. And where there be many priests or deacons, there so many shall be ready to help the Priest in the ministration as shall be requisite, and shall have upon them likewise the vestures appointed for their ministry, that is to say, albes with tunicles. Though there be none to communicate with the Priest, yet these days, (Wednesdays and Fridays) after the Litany, the Priest shall put upon him a plain albe or surplice with a cope."

[m] Churches were divided into Cathedral, Collegiate, or Parochial; Regular, or Secular.—(Lyndw., lib. iii. tit. 16.) The first had a chapter; the Regular, a convent; and the third, a clerical community, (Ib., lib. i. tit. 2. See page 24.) For the various persons named, see Lyndw., lib. v. tit. 5, p. 300; tit. 16, p. 327. A canonry is an office of brotherhood, with a stall in choir, and a voice in chapter; a prebend is a pecuniary maintenance. The Regular Cathedrals became those of the New Foundation (including Westminster during ten years), they were all Benedictine except Carlisle, which was held by Austin Canons, who also had occupied Oxford and Bristol before the Reformation. The bishops form a college.—(Lyndw., p. 317.)

25. *Surplices and Hoods* (*epomidum*) *to be worn in Cathedral Churches, when there is no Communion* (*Cœnâ non administratâ*).

In the time of Divine Service and Prayers in all Cathedral and Collegiate Churches, when there is no Communion (*cessante Cœnâ Dominicâ*), it shall be sufficient[n] (*satis erit*) to wear Surplices; saving that all Deans, Masters, and Heads of Collegiate Churches, Canons, and Prebendaries, being Graduates, shall daily, at the times both of Prayer and Preaching (*inter Rem Divinam*), wear with their Surplices such Hoods as are agreeable (*congrua*) to their degrees.

"In all Cathedral Churches and Colleges, the archdeacons, deans, provosts, masters, prebendaries, and fellows, being graduates, may use in the quire, beside their surplices, such hoods as pertaineth to their several degrees which they have taken in any University within this realm. It is also seemly that graduates, when they do preach, should use such hoods." (*Rubric*, 1549.)

A silk hood in the quire is required by *Advert.* 1560.

This constitution is founded on that of 1571, which, however, proscribed the ancient Grey Amess or Almuce, a scarf lined with grey fur, hitherto worn in Cathedral and Collegiate Churches (although Parker wore a collar of sables at his consecration), and only allowed the use of "linea vestis et scholastica epomis."

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[n] Compare "Sufficit quòd sit Diaconus, et requiritur ille ordo in eo ad minus."—(Lyndw., lib. i. tit. 12.) Rubric, "It shall suffice that the Bread be such as is usual."—(The Communion.) "It shall suffice to pour water."—(Publ. Bapt. of Inf.)

26. *Notorious Offenders* (*notorii peccati consuetudine infames*) *not to be admitted to the Communion* (*a Sacrá Cœnâ repellendi*).

[o] No Minister shall in any wise admit to the receiving of the Holy Communion, any of his cure or flock, which be openly known to live in sin notorious, without repentance; nor any who have maliciously and openly contended with their neighbours, until they shall be reconciled; nor any Churchwardens or Sidemen (*assistentes*), who, having taken their oaths to present to their Ordinaries all such public offences as they are particularly charged to inquire of in their several parishes, shall (notwithstanding their said oaths, and that their faithful discharging of them is the chief means whereby public sins and offences (*scandala*) may be reformed[p] and punished) wittingly and willingly, desperately and irreligiously (*perditè et nefariè*), incur the horrible crime of perjury, either in neglecting or in refusing to present such of the said enormities and public offences (*criminibus et delictis notoriis*) as they know themselves to be committed in their said parishes, or are notoriously offensive (*saltem*

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[o] The first clause is modified from earlier forms, "Forasmuch as variance and contention is a thing which most displeaseth God, and is most contrary to the Blessed Communion of the Body and Blood of our Saviour Christ, Curates shall in no wise . . . ."—(Royal Inj., 1547, § 25; 1559, § 21.)

[p] "Si quis vel aperto adulterio vel stupro vel incestu vel ebrietate vel jurandi consuetudine, vel lenocinio, vel usurâ vel aliâ demum quâcumque infinitate vitæ et nequitiâ fratres offenderit, illos æditui amicè et fraternè admonebunt, ut resipiscant. Quod nisi fecerint, indicabunt eos nominatìm vel rectori vel vicario vel parocho ut ab illis asperiùs et vehementiùs admoneantur, et si perrexerint, tantisper dum redeant ad sanitatem, à Sacra Communione arceantur."—(Canons 1571, embodied in Canon 109, with a few variations.)

insigniter gravare ac offendere) to the congregation there; although they be urged (*admoniti*) by some of their neighbours, or by their Minister, or by their Ordinary[q] himself, to discharge their consciences by presenting of them, and not to incur (*præcipitare*) so desperately (*ausu tàm nefario*) the said horrible sin (*scelus*) of perjury.

The Rubric runs thus:—

¶ So many as intend to be partakers of the holy Communion shall signify their names to the Curate, at least some time the day before.

¶ And if any of those be an open and notorious evil liver, or have done any wrong to his neighbours by word or deed, so that the Congregation be thereby offended; the Curate, having knowledge thereof, shall call him and advertise him, that in any wise he presume not to come to the Lord's Table, until he hath openly declared himself to have truly repented and amended his former naughty life, that the Congregation may thereby be satisfied, which before were offended; and that he hath recompensed the parties, to whom he hath done wrong; or at least declare himself to be in full purpose so to do, as soon as he conveniently may.

¶ The same order shall the Curate use with those betwixt whom he perceiveth malice and hatred to reign; not suffering them to be partakers of the Lord's Table, until he know them to be reconciled. And if one of the parties so at variance be content to forgive from the bottom of his heart all that the other hath trespassed against him, and to make amends for that he himself hath offended; and the other party will not be persuaded to a godly unity, but remain still in his frowardness and malice: the Minister in that case ought to admit the penitent person to the holy Communion, and not him that is obstinate. Provided that every Minister so repelling any, as is specified in this, or the next precedent paragraph of this Rubrick, shall be obliged to give an account of the same to the Ordinary within fourteen days after at the farthest. And the Ordinary shall proceed against the offending person according to the Canon.

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[q] "Ordinarius de jure communi Episcopus."—(Lyndw., lib. iii. tit. 8, p. 148.) "Est Ordinarius super omnes subditos suos; sunt sub eo alii ordinarii, hi, viz. quibus competit jurisdictio ordinaria de jure privilegio, vel consuetudine."—(Lyndw., l. i. tit. 3, p. 17.) "Prælati inferiores habentes ordinariam jurisdictionem in loco."—(Lib. ii. tit. 2, p. 93.)

27. *Schismatics not to be admitted (arcendi) to the Communion.*

No Minister, when he celebrateth (*administrat*) the Communion (*Cœnam Domini*), shall wittingly administer the same to any but to such as kneel, under pain of suspension; nor, under the like pain, to any that refuse to be present at Public Prayers according to the Orders (*instituta*) of the Church of England; nor to any that are common and notorious depravers (*frequenter et notoriè calumniatur*) of the Book of Common Prayer and Administration of the Sacraments, and of the Orders[r], Rites, and Ceremonies therein prescribed, or of any thing that is contained in any of the Articles agreed upon in the Convocation, one thousand five hundred sixty and two, or of any thing contained in the Book of Ordering the Priests and Bishops; or to any that have spoken against and depraved (*convellere aut lædere*) his Majesty's sovereign authority in Causes Ecclesiastical; except every such person shall first acknowledge to (*coram*) the Minister, before the Churchwardens (*præsentibus unà œconomis*), his repentance for the same, and promise by word (*vivâ voce*) (if he cannot (*nesciat*) write) that he will do so no more (*nequaquàm peccaturos*); and except (if he can write) he shall first do the same under his hand-writing, to be delivered to the Minister, and by him (*quam primùm*) sent to the Bishop of the diocese, or Ordinary of the place. Provided, That every Minister so repelling (*arcebit*) any, as is specified either in this or in the next precedent Constitution (*Canone*), shall, upon complaint, or being required by the Ordinary, signify the cause thereof unto him, and therein obey his order and direction.

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[r] Omitted in L. V.

28. *Strangers (Extranei) not to be admitted (repellendi) to the Communion.*

The Churchwardens or Questmen (*inquisitores*[s]), and their assistants, shall mark (*attentè observabunt*), as well as (*non minùs quàm*) the Minister, whether all and every of the Parishioners come so often every year to the Holy Communion, as the Laws and[1] our Constitutions[t] do require; and whether any Strangers come often and commonly[2] from other parishes[3] to their Church; and shall shew their Minister of them, lest perhaps they be admitted to the Lord's Table (*mensam*) amongst others[4], which they shall forbid; and remit such home to their own parish Churches and Ministers, there to receive the Communion with the rest of their own neighbours[5]. [u]

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[s] "Questmen, men chosen yearly in every ward to inquire into abuses and misdemeanours."—(Bailey's Dict.)

[t] An English version of the Canon of 1571.

[1] "statuta."

[2] "peregrini atque advenæ frequentiùs et usitatiùs."

[3] "Ad suos parochos."

[4] added.

29. [*Fathers not to be Godfathers* (*susceptores*) *in Baptism, and*] *Children not Communicants* (*pueri Cœnæ Dominicæ incapaces*) [*not to be Godparents in Baptism*].

No [parent shall be urged (*impellentur*) to be present, nor be admitted to answer as Godfather (*ad Sacrum Fontem susceptorum loco*) for his own Child; nor any [x]] Godfather or Godmother shall be suffered to make any other answer or speech (*respondere*), than by the Book of Common Prayer is prescribed in that behalf: neither shall any person be admitted Godfather or Godmother to any Child [y] at Christening or Confirmation, before the said person so undertaking hath received the holy Communion.

30. *The lawful Use of the Cross in Baptism explained.* (*Crucis in Baptismo cærimonia explicata.*)

We are sorry that his Majesty's most princely care and pains taken in the Conference at Hampton Court, amongst many other points, touching this one of the

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[5] added.

[u] "Nullus Communionem præbeat parochiano alterius Sacerdotis sine ipsius licentiâ manifestâ, quam ordinationem non intendimus ad peregrinantes vel periclitantes extendere, nec necessitatis casui derogare." —(Lyndw., lib. iii. tit. 16, p. 188; tit. 23, p. 233.) "No person shall, neglecting their own parish church, resort to any other church in time of Common Prayer and preaching."—(Roy. Inj., 1559, § 33.)

[x] A new Canon, omitting these words, and with an alteration of the title, made and published by the Convocation of the Province of Canterbury, June 29, 1865, has not yet been confirmed by Royal Letters Patent.

[y] Founded on the Constitution of 1571.

Cross in Baptism, hath taken no better effect with many, but that still the use of it in Baptism is so greatly struck at and (*tantopere*) impugned[z]. For the further declaration therefore of the true (*legitima*) use of this ceremony, and for the removing of all such scruple as might any ways trouble the consciences of them who are indeed rightly (*verè*) religious, following the royal steps of our most worthy King, because he therein followeth the rules (*auctoritate*) of the Scriptures, and the practice (*exemplo*) of the primitive Church; we do commend to all the true members of the Church of England these our directions and observations ensuing.

First, it is to be observed, that although the Jews and Ethnicks derided both the Apostles and the rest of the Christians, for preaching and believing in Him Who was crucified upon the Cross; yet all, both Apostles and Christians, were so far from being discouraged from their profession by the ignominy of the Cross, as they rather rejoiced and triumphed in it. Yea, the Holy Ghost by the mouths of the Apostles did honour the name of the Cross (being hateful among the Jews) (*Judæis*) so far, that under it he comprehended not only Christ crucified, but the force (*vires*), effects, and merits of His Death and Passion, with all the comforts, fruits, and promises, which we receive or expect thereby.

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[z] See Cardw. Confer., pp. 157, 164, 199, 210-1, and 350. "The Dean of Westminster answered out of Tertullian, Cyprian, Origen, and others, that the cross was used in *immortali lavacro* . . . in Constantine his time it was used in Baptism. 'If then it were used,' said his Majesty, 'I see no reason but that still we may continue it.' "—(Ibid., 198.) Hutton also cited S. Chrysostom (p 158).

Secondly, the honour and dignity of the name of the Cross begat a reverend (*honorificam*) estimation even in the Apostles' times (for aught that is known to the contrary) of the Sign of the Cross which the Christians shortly after used in all their actions: thereby making an outward show (*palam et apertè*) and profession, even to the astonishment of the Jews, that they were not ashamed to acknowledge Him for their Lord and Saviour, Who died for them upon the Cross. And this Sign they did not only use themselves with a kind of glory (*ostentatione*), when they met with any Jews, but signed therewith their Children when they were christened (*Baptismatis aquâ abluerentur*), to dedicate them by that badge to His service, Whose benefits bestowed upon them in Baptism the name of the Cross did represent. And (*atque adeò*) this use of the Sign of the Cross in Baptism was held in the primitive Church, as well by the Greeks as the Latins, with one (*unanimi*) consent and great (*maximo*) applause. At what time, if any had opposed themselves against it, they would certainly have been censured as enemies (*hoste ac inimico*) of the name of the Cross, and consequently of Christ's merits, the Sign (*tessera et signum*) whereof they could no better endure. This continual and general use of the Sign of the Cross is evident (*perspicuè declaratur*) by many testimonies of the ancient Fathers.

Thirdly, it must be confessed, that in process of time the Sign of the Cross was greatly abused in the Church of Rome, especially after that corruption (*labes et corruptela*) of Popery had once possessed (*pervaserat*) it. But the abuse of a thing doth not take away the lawful use of it. Nay, so far was it from the purpose of the Church of England to forsake[a] and reject (*per omnia recedere*) the Churches of Italy, France, Spain, Germany, or any such like Churches, in all things which they held and practised, that, as the Apology of the Church of England confesseth, it doth with reverence retain (*susciperet*) those ceremonies[b], which doth neither endamage (*incommodum*) the Church of God, nor offend the minds of sober men; and only departed from them in those particular points (*articulis*), wherein they were fallen both from themselves in their ancient integrity, and from the Apostolical Churches, which were their first founders (*proseminatæ*). In which respect, amongst some other very ancient ceremonies, the Sign of the Cross in Baptism hath been retained in this Church, both by the judgment and practice of those reverend Fathers and great (*magnorumque inprimis*) Divines in the days of King Edward the Sixth, of whom some constantly suffered for the profession of the truth; and others being exiled in the time of Queen Mary, did after their return, in the beginning of the reign of our late dread Sovereign, continually defend and use the same. This resolution and practice of our Church hath been allowed and approved by the censure[c] upon the Communion (*Publicæ Liturgiæ*) Book in King Edward the Sixth his days, and by the harmony of Confessions of later years: because indeed the use of this Sign in Baptism was ever accompanied here with such sufficient (*congruis omnibus et idoneis*) cautions and exceptions against all Popish superstition and error, as in the like cases are either fit or convenient.

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[a] "And in these our doings we condemn no other Nations, nor prescribe any thing but to our own people only: For we think it convenient that every Country should use such Ceremonies as they shall think best to the setting forth of God's honour and glory, and to the reducing of the people to a most perfect and godly living, without error or superstition; and that they should put away other things, which from time to time they perceive to be most abused, as in men's ordinances it often chanceth diversely in divers countries."—(Of Ceremonies.)

[b] Apology, ch. xvii. div. 1. "We keep still and esteem those ceremonies which we thought might be suffered without hurt to the Church of God."—(Jewell, Works, iii. 569.) "Peradventure Italy, France, Spain, England, Germany, Denmark, and Scotland, meet, &c."—(p. 102.) "Their (Roman) abuses are new, but the things which they abused we retain in their primitive use, and forsake only the novel corruption."—(Hampton Court Conf.; Cardw. Conf., 199.)

First, the Church of England, since the abolishing of Popery, hath ever held (*sensit*) and taught, and so doth hold and teach still, that the Sign of the Cross used in Baptism is no part (*haudquaquàm existere*) of the substance of that Sacrament: for when the Minister, dipping the infant in water (*aquam*), or laying (*inspergens*) water upon the face of it, (as the manner also is[d],) hath pronounced these words, *I baptize thee in the name of the Father, and of the Son, and of the Holy Ghost,* the infant is (*continuo*) fully and perfectly baptized (*Baptismi sacramentum consequitur*). So as the Sign of the Cross being afterwards used (*adhibitum*) doth neither add any thing to the virtue and perfection of

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[c] Act of Uniformity, 2 & 3 Edw. VI., c. 1, 1552. "A very godly order for Common Prayer and Administration of the Sacraments, to be used in the mother-tongue within this Church of England, agreeable to the Word of God and the Primitive Church." The Act 1 Eliz., c. 1, § 26, reserved power to "ordain and publish such further ceremonies as may be most for the advancement of God's glory, the edifying of His Church, and the due reverence of Christ's Holy Mysteries and Sacraments." And according to the Proclamation of James I. (1604), in "The Form of the Public Service of God here established . . . the doctrine appeared to be sincere . . . the forms and rites were justified out of the practice of the Primitive Church."

Not in the Latin.

Baptism, nor being omitted doth detract any thing from the effect (*efficacia*) and substance of it.

Secondly, it is apparent (*palam*) in the Communion Book, that the infant baptized is, by virtue of Baptism (*ipsius adeò Baptismi*), before it be signed with the Sign of the Cross, received into the congregation of Christ's flock, as a perfect member thereof, and not by any power ascribed unto the Sign of the Cross. So that for the very (*ipsam*) remembrance of the Cross, which is very precious (*plurimi*) to all them that rightly (*vere*) believe in Jesus[e] Christ, and in the other respects (*causas*) mentioned, the Church of England hath retained (*retinendum consuerit*) still the Sign of it in Baptism; following therein the primitive and apostolical Churches, and accounting it (*hunc characterem*) a lawful outward ceremony and honourable badge (*symbolo*), whereby the infant is dedicated (*in perpetuum votus et mancipatus*) to the Service of Him that died upon the Cross, as by the words used in the Book of Common Prayer it may appear (*facillimè potest perspici*).

Lastly, the use of the Sign of the Cross in Baptism, being thus purged from all popish superstition and error, and reduced in the Church of England to the primary institution of it, upon those true (*orthodoxis*) rules of doctrine concerning things indifferent (*mediis et adiaphoris*), which are consonant to the Word of God (*Divino Canoni*), and the judgment (*concordi sententiæ*) of all the ancient Fathers, we hold it the part of every private man, both Minister and other (*alterius personæ*), reverently to retain (*amplecti et recipere*) the true use of it prescribed by public authority: considering that things of themselves (*medias ac*) indifferent do in some sort alter their natures, when they are either commanded or forbidden by a lawful magistrate; and may not be omitted at every man's pleasure[f], contrary to the law, when they be commanded, nor used (*observandas*) when they are prohibited.

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[e] Not in the Latin.

Rubric.—To take away all scruple concerning the use of the sign of the Cross in Baptism; the true explication thereof, and the just reasons for the retaining of it, may be seen in the xxxth Canon, first published in the Year MDCIV.

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[f] "The true Church hath always three Notes or marks, whereby it is known; pure and sound Doctrine; the Sacraments ministered according to Christ's holy institution; and the right use of ecclesiastical discipline. . . . It is not then the duty and part of any Christian to bring in his own phantasies and dreams into the Church."—(Homily for Whitsun Day, 2^{d} Part.)

It is observable that different terms are employed: "we do constitute and decree" (Can. 31, 40), "we do ordain" (Can. 32), "we require" and "enjoin" (Can. 42), etc. "Injungendo mandamus, præcepto mandamus cui obediendum est. Volumus, talis voluntas legis habet vigorem. Præcipimus habet vim sententiæ definitivæ; quandoque ponitur admonitivè sive suasivè; quandoque importat permissionem sive persuasionem; ut aliàs evitetur contradictio sive legum correctio."—(Lyndw., lib. i. tit. 2.)

MINISTERS[f], THEIR ORDINATION, FUNCTION, AND CHARGE[g].

31. *Four solemn Times appointed for the making of Ministers*[h]. (*Jejunia IV. Temporum Ministrorum ordinationi decreta.*)

Forasmuch as the ancient[i] Fathers of the Church (*prisca sanctorum Patrum auctoritas*), led by example of the Apostles, appointed prayers and fasts to be used at the solemn Ordering of Ministers; and to that purpose allotted certain times, in which only Sacred Orders might be given or conferred; we, following their holy and religious example (*pium institutum*), do constitute and decree, that no Deacons or Ministers (*Presbyteri*) be made and ordained (*imposterum ordinentur*), but only (*nisi*) upon the Sundays[k] immediately following *Jejunia*

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[f] "Minister idem est quod aliquod officium gerens et designat Sacerdotem, Diaconum."—(Lyndw., lib. ii. tit. 1, p. 91; comp. Card. Conf., 342.)

[g] Omitted in the Latin Version.

[h] "Ministri Ecclesiæ, quicunque sive episcopi sive inferiores Ministri Christianæ Fidei."—(Const. Othon., p. 980.) "Let the ordination of priests and deacons be on the Sabbath of the IV. Seasons."—(Excerp. Ecgbriht, 740, c. xcvii.) A previous examination of Candidates for Holy Orders is directed by the Councils of Cloveshoe, 747, c. vi., and Cealcythe, 785, c. vi. The Excerptions of Ecgbriht, 740, c. xliv., require the bishop to consult a council of priests before holding an ordination. "Episcopi moram facientes apud Cathedrales ecclesias congruentes ibidem missas celebrent in præcipuis festivitatibus et in diebus Dominicis, et in Quadragesimâ et in Adventu."—(Const. Othon., 56; Othob., tit. xxii.)

[i] A similar reference is made in the Canons of 1571, to "quod ex doctrinâ N. et V. Testamenti Catholici patres et veteres episcopi collegerint."

[k] "Only upon a Sunday or Holy Day, and in the face of the Church."—(Art., 1575; Const., 1597.) "Quòd nullæ ordinationes per aliquos episcopos fierent, nisi infra IV. Tempora pro ordinationibus assignata."—(Act of Conv., 1661, Synod. 670.)

quatuor temporum, commonly called Ember Weeks (*Septimanas Cinerum*[1]), appointed in ancient time (*antiquitus*) for prayer and fasting, (purposely for this cause at their first institution,) and so continued at this day in the Church of England: and that this be done in the Cathedral or Parish Church where the Bishop resideth (*commoratur*), and in the time of Divine Service, in the presence (*assistente*) not only of the Archdeacon[m], but of the Dean and two Prebendaries at the least, or, (if they shall happen by any lawful cause to be let or hindered) in the presence of four other grave[n] persons, being Masters of Arts at the least, and allowed (*legitimè approbatæ*) for public Preachers.

32. *None to be made Deacon and Minister both in one Day*[o]. (*Utrumque ordinem uno die non conferendum.*)

The office of Deacon being a step[p] or degree (*gradus*) to the Ministry (*ad Ministerii gradum*), according to the judgment (*sententia*) of the ancient Fathers, and the practice of the primitive Church; we do ordain and appoint, that hereafter no Bishop shall make any person, of what qualities or gifts (*animi dotibus*) soever, a Deacon and a Minister (*Presbyterum*) both together upon one (*uno et eodem*) day; but that the order (*ritus*) in that behalf prescribed in the Book of making (*ordinandis*) and consecrating Bishops, Priests, and Deacons, be strictly observed. Not that always every Deacon should be kept from the Ministry (*Presbyterii*) for a whole year, when the Bishop shall find good cause to the contrary; but that there being now four times appointed in every year for the Ordination of Deacons and Ministers (*Presbyterorum*), there may ever be some time of trial (*periculum*) of their behaviour in the office of Deacon, before they be admitted to the order of Priesthood.'

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[1] Of course, an etymological blunder; "ember" being a contraction of "Quat-ember, quatuor tempora."

[m] "In actu celebrationis Ordinum archidiaconus vel examinator alius ad hoc deputatus præsentabit Episcopo ordinanti ipsos ordinandos."—(Lyndw., lib. i. tit. 6, p. 33.)

[n] "Graves, i.e. maturos, providos, et discretos; bonæ famæ et opinionis illæsæ."—(Lyndw., lib. v. tit. 14; comp. Conc. Nannetense, 658, c. xi.: "prudentes, gnaros divinæ legis, et exercitatos in ecclesiasticis sanctionibus."

[o] "Ascendentes Clerici ad Christi ministeria, quasi Canticum graduum concinentes, cùm probati extiterint in minoribus officiis gradatim demum proficiant ad majora."—(Lyndw., lib. v. tit. 11, p. 310.) "Non licet majores ordines omnes nec etiam duos simul eodem die conferre."—(Ibid.)

[p] "Hieratike taxis," or "bathmos," in the Greek Church; "ordo," by St. Cyprian and Tertullian; "gradus," by St. Jerome; and "steps of ecclesiastical degrees or holy orders," in Church Laws, 725, c. 1, are the terms used in ecclesiastical language.

Rubric.—And none shall be admitted a Deacon, except he be Twenty-three years of age, unless he have a Faculty. And every man which is to be admitted a Priest shall be full Four-and-twenty years old. And every man which is to be ordained or consecrated Bishop shall be fully Thirty years of age.

¶ And here it must be declared unto the Deacon, that he must continue in that Office of a Deacon the space of a whole year (except for reasonable causes it shall otherwise seem good unto the Bishop) to the intent he may be perfect, and well expert in the things appertaining to the Ecclesiastical Administration. In executing whereof if he be found faithful and diligent, he may be admitted by his Diocesan to the Order of Priesthood, at the times appointed in the Canon; or else, on urgent occasion, upon some other Sunday, or Holy-day, in the face of the Church.

33. *The Titles of such as are to be made Ministers*[q].
(*Neminem sine certo titulo ordinandum.*)

It hath been long since provided by many decrees of the ancient Fathers[r], that none should be admitted either Deacon or Priest[s], who had not first some certain (*certum et designatum*) place where he might use his function (*muneris*). According to which examples (*auctoritatem*) we do ordain, that henceforth no person shall be admitted into Sacred Orders, except he shall at that time exhibit to the Bishop, of whom he desireth imposition of hands, a Presentation of himself to some Ecclesiastical Preferment (*promotionem*) then void in that diocese (*vacantem*); or shall bring to the said Bishop a true and undoubted certificate, that either he is provided of some Church within the said diocese, where he may attend (*fungi*) the cure of souls[t], or of some Minister's (*diaconi vel presbyteri*) place vacant, either in the Cathedral Church of that diocese[u], or in some other Collegiate Church therein also situate, where he may execute his ministry (*functionem*); or that he is a (*actu*) Fellow, or in right as a Fellow, or to be a Conduct or Chaplain in some College in Cambridge or Oxford; or except he be a Master of Arts of five years' standing, that liveth of his own charge in either of the Universities; or except by the Bishop himself, that doth ordain him Minister[x], he be shortly after to be admitted either to some Benefice or Curateship (*aliquam Curam*) then void. And if any Bishop shall admit any

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[q] This canon slightly varies (after the first clause, which is new) from the Constitutions of 1597. See also Whitgift's Art., 1584, § 7; and Art., 1575, § vi.

[r] Counc. Chalcedon, c. vi.: "No one is to be ordained at large either Presbyter or Deacon, except he that is ordained be particularly appointed to a Church in the city or country." Cited in Excerp. of Ecgbriht, 740, c. 51; comp. Conc. Valent., c. 6; Synod of London, 1126, c. 8; and Lacy's Pontifical [Exeter], p. 77.

[s] Othobon uses the synonym of Presbyter, (Const., tit. 1, p. 80); comp. Jo. de Athon. in Othon., p. 59, and Lyndwood, (lib. i. tit. 6.) "Debent esse Presbyteri ordine; sapientes in docendo; ætate discreti," (p. 37); see also lib. i. tit. 14, p. 69. "Presbyteri necnon alii Sacerdotes."—(Lib. iii. tit. 23, p. 237.) "Presbyter is the mass-priest or elder, not that he is old otherwise than in wisdom."—(Ælfric's Canons, 957, c. xvii.) "Ordo sacer sine titulo, i.e. beneficio dari non debet."—(Jo. de Athon.) "Periculosum nimis sit minùs dignos, idiotas, illiteratos et extraneos aut sine certo titulo et vero aliquos ordinare, statuimus ut ante collationem ordinum per episcopum de his omnibus inquisitio ac diligens habeatur."—(Const. Othon., 17.) "Tutum est ipsis ordinatis literas sigillo Episcopi ordinantis consignantis scripturam [continentem tam nomina ordinantis quam ordinati, et susceptionem cujusque ordinis, ac tempus et locum ordinationis] continentes secum reportare. Est licitum ordinato pro his literis pecuniam dare Notario vel Registratori qui literas testimoniales scribit pro justo salario."—(Jo. de Athon.) "Titulus dicitur aliàs ipsum beneficium, aliàs ipse ordo ecclesiasticus, vel quælibet dignitas vel prælatio. Titulus canonicus est jus Spirituale, sive causa habendi beneficium ecclesiasticum vel res ecclesiæ dispensandi."—(Lyndw., lib. i. tit. 9, p. 46.) "Prælatus nequaquàm præsumat præsentatum admittere vel instituere, nisi de morte rectoris vel aliter de vacatione legitimâ priùs constiterit; de his non aliter constare sufficiat, quàm per ipsius mortui vel resignantis, seu aliàs dimittentis præsentiam corporalem."—(Const. Othob., tit. x. p. 97.) Lord Bacon (1603) suggested "a more exact probation and examination of ministers;" and that according to the "ancient holy order of the

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Church," bishops should hold ordinations by advice, and at the four set times of the year, (Spedding, iii. 120.) Commendatory Letters are required by the Councils of Cealcythe, 785, c. vi.; Chalcedon, 452, c. xii.; and Antioch, 341, c. vii.; and Theodore's Canons, 673, c. 5; and express permission by his bishop for the clerk, by Ecgbriht's Excerp., c. 1. "Quicunque ex aliâ parochiâ voluerit alienum ministrum sine consensu episcopi ipsius, et sine voluntate ordinare, non sit rata ordinatio ejus. Quicunque autem hoc usurpaverit à fratribus et coepiscopis admoneri debet et corrigi."—(Counc. Sardica, 347, c. xix.)

[t] "Rector potest concedere alicui ordinando titulum in ecclesiâ suâ ut sc. alimentetur si egeat."—(Lyndw., lib. iii. tit. 7.)

[u] Omitted in the Latin Version.

[x] Omitted in the Latin Version.

person into the ministry (*sacros ordines*), that hath none of these titles as is aforesaid, then he shall keep and maintain him with all things necessary, till he do prefer him to some Ecclesiastical Living[y] (*aliquâ ecclesiâ*). And if the said Bishop shall refuse so to do, he shall be suspended by the Archbishop, being assisted with another Bishop, from giving of Orders (*diaconorum et presbyterorum*) by the space of a (*integrum*) year.

34. *The Quality of such as are to be made Ministers*[z].

(*Certæ conditiones in ordinandis requisitæ.*)

No Bishop shall henceforth admit (*cooptabit*) any person into Sacred Orders, which is not of his own diocese, except he be either of one of the Universities of this realm, or except he shall bring Letters Dimissory[a] (so termed) from the Bishop[b] of whose diocese (*juris-*

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[y] III. Counc. of Lateran, 1179, c. v.: "Ne aliquis ordinetur sine certe titulo, episcopus si aliquem sine certe titulo de quo necessaria vitæ percipiat in Diaconum vel Presbyterum ordinaverit, tam diu necessaria ei subministret, donec in aliquâ ei ecclesiâ convenientia stipendia militiæ clericalis assignet."

[z] Founded on Art. I. and II. of 1575; Whitgift's Art., 1584, § 8, but it adopts the term "Sacred" Orders; and expands the words "be of age full 24 years;" "some justice of the peace, with other honest men of that parish where he hath made his abode;" the Acts of Convocation, 1557, suggest, "Curati Œconomorum vel parochiæ in qua natus beneficiatus vel per triennium commoratus fuit sub sigillo archidiaconi;" the canon also appears in 1571. See also Art. of 1585 and 1597.

[a] "Litteræ Dimissoriæ per quas aliquis dimittitur a jurisdictione sive potestate sui prælati; dicuntur quandoque Licentiales, quandò licentia datur ad ordines ab alieno episcopo suscipiendos."—(Lyndw., lib. i. tit. 9, p. 47) "Litteræ Commendatitiæ continent Testimonium sive commendationem de vitâ, honestate, et moribus Ordinandi."—(Ibid.) "Quòd nullus episcopus extra diœcesin suam aliquos clericos ad sacros vel diaconatus vel presbyteratus ordines admitteret, nisi priùs literas dimissorias a reverendissimo patre Cantuariensi archiepiscopo obtentis."—(Acts in Convocation, 1661; Synodalia, 670.)

[b] "Episcopus qui scienter clericum vel parochianum alterius

dictione) he is; and desiring to be a Deacon, is three and twenty years old; and to be a Priest, four and twenty years complete; and hath taken some degree of school in either of the said Universities; or at the least, except he be able to yield an account[c] (*rationem*) of his faith in Latin, according to the Articles of Religion approved in the Synod of the Bishops and Clergy of this realm, one thousand five hundred sixty and two, and to confirm the same by sufficient testimonies out of the holy Scriptures; and except moreover he shall then exhibit Letters Testimonial of his good (*laudabili*) life and conversation (*morum integritate*), under the seal of some College in Cambridge or Oxford, where before he remained (*moram fecerit*), or of three or four grave Ministers, together with the subscription and testimony of other (*probabilium*) credible persons, who have known (*explorati*) his life and behaviour (*mores*) by the space of three years next before.

Rubric.—It is evident unto all men diligently reading the holy Scripture and ancient Authors, that from the Apostles' time there have been these Orders of Ministers in Christ's Church; Bishops, Priests, and Deacons. Which Offices were evermore had in such reverend Estimation, that no man might presume to

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episcopi ordinaverit sine ipsius episcopi licentia speciali ab illius ordinis collatione ad quem talem susceperit vel ordinaverit, usque ad condignam satisfactionem, se noverit esse suspensum."—(Lyndw., lib. i. tit. 5, p. 32.)

[c] "Nullus ad Ordines [Majores] accedat vel admittatur nisi canonicè fuerit examinatus, nec accedens nisi idoneus admittatur; debet examinator inquirere de vitâ, genere, patria, ætate, institutione sive titulo ordinandi, de loco ubi conversatus est, de fide, de conscientiâ et hujusmodi."—(Lyndw., lib. i. tit. 6, p. 33.)

execute any of them, except he were first called, tried, examined, and known to have such qualities as are requisite for the same; and also by publick Prayer, with Imposition of Hands, were approved and admitted thereunto by lawful authority.

And the Bishop, knowing either by himself, or by sufficient testimony, any Person to be a man of virtuous conversation, and without crime; and, after examination and trial, finding him learned in the Latin Tongue, and sufficiently instructed in holy Scripture, may at the times appointed in the Canon, or else, on urgent occasion, upon some other Sunday or Holy-day, in the face of the Church, admit him a Deacon, in such manner and form as hereafter followeth.

35. *The examination of such as are to be made Ministers.* (*Neminem, nisi prævio solenni examine, ordinandum.*)

The Bishop, before he admit any person to holy Orders (*manus imponat*) shall diligently examine (*excutiet ac explorabit*), him in the presence of those Ministers that shall assist him at the imposition of hands; and if the said Bishop have any lawful impediment (*legitimè nequeat*), he shall cause the said Ministers carefully (*sollicitè*) to examine every such person so to be ordered. Provided, that they who shall assist the Bishop in examining and laying on[d] of hands, shall be of his Cathedral Church[e], if they may conveniently

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[d] "Alii Presbyteri assistentes levant manus ad communionem ecclesiæ et concordiam significandam."—(Lyndw., lib. v. tit. 11, p. 309.)

[e] "De jure communi pertinet examinatio ad Archidiaconum. Si sit absens, episcopus potest per se examinare si velit, vel aliis idoneis circa latus suum id committere. Fit examinatio

(*facultas*) be had, or other sufficient (*idonei*) Preachers of the same diocese, to the number of three at the least: and if any Bishop or Suffragan[f] shall admit any to Sacred Orders who is not so qualified and examined, as before we have ordained, the Archbishop of his province having notice thereof, and being assisted (*assidente*) therein by one Bishop, shall suspend the said Bishop or Suffragan so offending, from making either Deacons or Priests (*ordines conferendi potestate*) for the space of two years.

¶ In the Ember Weeks, to be said every day, for those that are to be admitted into Holy Orders:—

So guide and govern the minds of Thy servants the Bishops and Pastors of Thy flock, that they may lay hands suddenly on no man, but faithfully and wisely make choice of fit persons to serve in the sacred Ministry of thy Church.

36. *Declaration*[g] *and Subscription required of such as are to be made Ministers.* (*Neminem nisi præviâ III. articulorum Subscriptione ordinandum.*)

No person shall hereafter be received into the Ministry, nor either by institution or collation admitted to

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per tres dies ante diem Ordinum celebrandorum."—(Lyndw., lib. i. tit. 5, p. 33.)

[f] Suffragans, assistants to diocesan bishops, were appointed by 26 Hen. VIII., c. xiv. § 1. There are Suffragans now in the dioceses of Canterbury, Winchester, and Lincoln, taking their titles from Dover, Guildford, and Nottingham.

[g] This and the following Canons were founded on Whitgift's Art., 1584, § 6, and Roy. Inj., 1559, § 1. This, (in accordance with 28 and 29 Vict., c. 122, § 11,) and the 37th, 38th, and 40th Canons were made and published by the Convocations of Canterbury and York, and confirmed by Royal Letters Patent, in the year 1865, in place of other Canons made in the year 1604.

any Ecclesiastical Living (*beneficium*), nor suffered to preach, to catechize, or to be a Lecturer or Reader of Divinity (*concionatoris, prælectoris, aut catechistæ*) in either University, or in any Cathedral or Collegiate Church, City, or Market-town, Parish Church (*vel*) Chapel, or in any other place within this realm, except he be licensed (*licentiam et facultatem*) either by the Archbishop, or by the Bishop of the (*ejus*) diocese, where he is to be placed (*victurus*), under their hands (*subscriptionibus*) and seals, or by one of the two Universities under their seal likewise; and except he shall first make and subscribe the following declaration, which, for the avoiding of all ambiguities, he shall subscribe in this order and form of words, setting down both his Christian and surname, viz.—

"I *A. B.* do solemnly make the following declaration; I assent to the Thirty-nine Articles of Religion, and to the Book of Common Prayer, and of Ordering of Bishops, Priests, and Deacons; I believe the doctrine of the United Church of England and Ireland, as therein set forth, to be agreeable to the Word of God: and in public prayer and administration of the Sacraments, I will use the form[h] in the said book prescribed, and none other, except so far as shall be ordered by lawful authority."

And if any Bishop shall ordain, admit, or license (*facultate aut licentiâ*) any, as is aforesaid, except he first have declared and subscribed in manner and form as we here have appointed, he shall be suspended from giving (*collatione*) of orders and licences to preach for the space of twelve months. But if either of the Universities shall offend therein, we leave them to the danger of the law and his Majesty's censure.

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[h] The Constitution of 1571 required ministers to promise "nevè detrahant aliquid nevè addant, nevè de materiâ nevè de formâ."

"Institutio fit per prælatum auctorizabiliter ad præsentationem alterius: Collatio fit jure proprio, vel illius, cujus vice specialiter fungitur, cui conferens vult absque alio facto." (*Const. Othob.*, tit. x. p. 96.) "Præsentatio pertinet ad patronum ex vi juris patronatûs et non collatio." (*Lyndw.*, lib. v. tit. 17.)

37. *Declaration and Subscription before the Diocesan·* (*Ordinatis Diœcesin mutantibus subscriptio coram episcopo diœcesano iteranda.*)

None licensed (*legitimâ alioqui potestate præditus*), as is aforesaid, to preach, read, lecture (*prælegendi*), or catechize, coming to reside in any diocese, shall be permitted there to preach, read, lecture, catechize, or minister the Sacraments, or to execute any other Ecclesiastical function (*hujusmodi munera exercenda*), by what authority soever he be thereunto admitted, unless he first make and subscribe the declaration (*articulos prædictos*) aforesaid, in the presence of the Bishop of the diocese, wherein he is to preach, read, lecture, catechize, or administer the Sacraments, as aforesaid.

38. *Revolters after Declaration and Subscription censured.* (*Ordinati post subscriptionem prævaricantes à ministerio removendi.*)

If any Minister, after he hath made and subscribed the declaration (*articulis*) aforesaid, shall omit to use the form of Prayer, or any of the Orders (*ritibus*) or Ceremonies prescribed in the Communion Book, let him be suspended; and if after a month he do not reform and submit himself, let him be excommunicated; and then if he shall not submit himself within the space of another month, let him be deposed (*amoveatur*) from the ministry (*ministerio sacro*).

"Suspensio ab officio et per consequens beneficio quod sine officio non consistit." (*Lyndw.*, lib. iv. tit. 3, p. 274; comp. *Othob.*, tit. xxx.)

"Suspensio ab officio et beneficio quandoque est determinata in tempus; quandoque fit ab officio tantum et hoc quandoque simpliciter, quandoque per annum, quandoque per triennium, est etiam suspensio a beneficio tantùm, quandoque simpliciter, quandoque est determinata." (*Lyndw.*, lib. i. tit. 2, 6, p. 39.)

39. *Cautions for Institution of Ministers into Benefices*[i]. (*Ordinati sine congruo testimonio ac examine in beneficia non instituendi.*)

No Bishop shall institute[j] any (*ministrum quemvis*) to a Benefice[k], who hath been ordained by any other

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[i] The Constitutions of 1597, and the Articles (ix.) of 1584, require the same conditions, or "liability," as for ordination. Counc. of Chalcedon, c. xiii.: "Strangers, clerks and readers, shall not be suffered to execute their ministry without letters commendatory from their own bishop."

[j] "Si quis ad ecclesiam aliquam canonicè præsentetur, nullo contradicente, episcopus præsentatum ipsum, dum tamen idoneus sit, nequaquam admittere differat ultra duos menses."—(Lyndw., lib. iii. tit. 6, p. 139; tit. 21, p. 215.)

[k] "Ecclesiasticum Beneficium; largior significatio Beneficii quàm Ecclesiæ, potest enim esse beneficium licèt non fuerit ecclesia, unde appellatione beneficiorum Præbendæ et Majores Dignitates continentur, item Canonia."—(Lyndw., lib. iii. tit. 9, p. 155.)

Bishop, except he first shew unto him his Letters of Orders, and bring him a sufficient (*congruum*) testimony of his former good life (*morum honestate*) and behaviour (*vitâ probabili*), if the Bishop shall require it; and lastly, shall appear, on due examination, to be worthy of his ministry.

"Prælatus priùs de vitâ et conversatione præsentati vel instituendi diligenter discutiat et inquirat." (*Const. Othob.*, tit. xxix.) "Conversatio mores includit, de quâ conversatione inquirere etiam de illis, qui ejus notitiam habuerint in Scholis, non reputo inconveniens, vel ab aliis, inter quos diutiùs est conversatus; vel fortè quoad hæc sufficit habere bonas literas testimoniales ex quo mala fama contra eum non laborat." (*Jo. de Athon.*, p. 129.)

"Unusquisque episcopus ab eo, qui præsentatus sibi fuerit, recipiat juramentum quòd propter præsentationem illam nec promiserit nec dederit aliquid præsentanti, nec aliquam propter hoc inierit pactionem." (*Lyndw.*, lib. ii. tit. 6; comp. lib. v. tit. 3; *Othob.*, tit. 33.)

40. *A Declaration against Simony at Institution into Benefices*[l]. (*Instituendi in beneficia Simoniæ suspicionem solenni jurejurando jussi avertere.*)

To avoid the detestable sin of simony, because buying and selling of spiritual and ecclesiastical functions, offices, promotions, dignities, and livings (*beneficiorum*), is execrable before God (*in Dei conspectu*[m] *odiosa et exe-*

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[l] See Act 28 and 29 Vict., c. 122, § 2; comp. Justin. Novell., 137, c. 2.

[m] The opening clause is founded upon Roy. Inj., 1547, § 31,

cranda); therefore (*statuimus et ordinamus ut*) the Archbishop, and all and every Bishop or Bishops, or any other person or persons having authority to admit, institute, collate, install (*consecrandi*), or to confirm the election of any Archbishop, Bishop, or other person or persons to any spiritual or ecclesiastical function, dignity, promotion, title, office, jurisdiction, place, or benefice with cure or without cure, or to any ecclesiastical living whatsoever, shall, before every such admission, institution, collation, installation (*consecrationem*), or confirmation of election, respectively cause to be made by (*oneret*) every person hereafter to be admitted, instituted, collated, installed (*inaugurandum*), or confirmed in or to any archbishopric, bishopric, or other spiritual or ecclesiastical function, dignity, promotion, title, office, jurisdiction, place, or benefice with cure or without cure, or in or to any ecclesiastical living whatsoever, this declaration[n], in manner and form following, the same to be made by every one whom it concerneth in his own person, and not by a proctor:—

"I, *A. B.*, solemnly declare that I have not made by myself, or by any other person on my behalf, any payment, contract, or promise of any kind whatsoever, which to the best of my knowledge or belief is simoniacal, touching or concerning the obtaining the preferment of . . . . . . ; nor will I at any time hereafter

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and Roy. Inj., 1559, § 26, which inflicted the penalties of deprivation and incapacity of any promotion on the buyer, and forfeiture of patronage to the Crown. See also Leg. Const. of Pole, decr. ix., 1551,—

[n] "Ego juro, quòd propter dictum beneficium obtinendum, neque ego, neque alia persona, vice et nomine meo, nec de consensu aut scientiâ meâ, patrono seu alicui cuicunque aliquid promissorum nomine aut intuitu promissimus."—(Doc. Ann., i. 189.)

perform or satisfy, in whole or in part, any such kind of payment, contract, or promise made by any other without my knowledge or consent."

Simony condemned by the Art. of Canterbury, 1576, § 33, 34; with a penalty of "public denunciation" and "deprivation of the priest" by the Const. of 1571; is punishable under Stat. 31 Eliz., c. 61; 12 Annæ, c. 12; 1 Will. and Mar., c. 12; 7 and 8 Geo. IV., c. 25; 9 Geo. IV., c. 94. Comp. Othob., tit. xxxiii. "Simonia est spiritualium vel spiritualibus annexorum precedente pacto promissionis conditionis, modi, servitii, precum vel cujuslibet temporalitatis receptio seu donatio. Simoniacæ pactiones circa ordines vel circa beneficia." (*Lyndw.*, lib. i. tit. 4.)

41. *Licences for plurality of Benefices limited, and Residence enjoined* [o]. (*Beneficiorum pluralitas parciùs dispensanda, et de personali dispensatorum residentiâ cautio ineunda.*)

No Licence [p] (*facultas*) or Dispensation [q] for the keeping (*retinendis*) of more Benefices with Cure than one, shall be granted to any but such only as shall be thought very well worthy for his learning, and very well able and sufficient (*idoneus*) to discharge his duty; that is, who shall have taken the degree of a Master of Arts at the least in one of the Universities of this realm, and be a public and sufficient Preacher licensed. Provided always, That he be by a good and sufficient caution bound to make his personal residence in each his said Benefices for some reasonable time[r] in every year; and that the said Benefices be not more than thirty miles[s] distant asunder; and lastly, that he have under him in the Benefice, where he doth not reside, a Preacher lawfully allowed[t], that is able sufficiently (*utiliter*) to teach and instruct the people.

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[o] This Canon is an English version of a Constitution of 1571. By 13 and 14 Vict., c. 98, § 1, two benefices may be held together if within a distance of three miles apart, and one of them be only of £100 a-year. Only one benefice may be held with a cathedral preferment by 1 and 2 Vict., c. 106, § 2.

[p] "*Licentia* est concessa gratia per quam licet alicui quod anteà non licebat: igitur semel concessa, perpetuò habet durare, nisi ad certum usum et tempus limitetur."—(Const. Othon., p. 8.) "Omnia licent nisi sint specialiter prohibita præcepto superioris quia tunc propter bonum obedientiæ non licent."—(Ibid. p. 8, b; see also Const. Othob., tit. xxix.)

[q] "Facultas sive indulgentia."—(Const. 1597.) "Ubi dispensatio sit ob utilitatem ecclesiæ episcopus potest dispensare circa duo curata."—(Lyndw., lib. iii. tit. 6.) The law is now regulated by statute 1 and 2 Vict., c. 106.

"Provideant diœcesani ut semper apud ecclesiam resideat aliquis, qui de animarum curâ sit solicitus, ac se in celebratione Divinorum, et collatione Sacramentorum exerceat utiliter et honestè." (*Const. Othon.*, 36.) See also Art. for Canterbury, 1576, § 38, requiring an honest and well-learned expert curate who can and will teach the people wholesome doctrine, and in their absence learned men to preach at least one sermon every quarter of the year. Comp. *Inj.*, 1547, § 6.

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[r] "Non minùs quàm lx. dies."—(Canons, 1571.) "Per bonam anni partem."—(Const., 1597.)

[s] An amplification of the Canon of 1571; the distance fixed, however, is twenty-six miles.

[t] "Idoneum Curatum," if the archbishop or bishop consider that the living can support him.—(Const., 1597.)

42. *Residence of Deans in their Churches*[u]. (*Cathedralium ecclesiarum Decani ad congruam residentiam tenentur.*)

Every Dean, Master, or Warden, or chief Governor[x] (*rector primarius*) of any Cathedral or Collegiate Church, shall be resident in his said Cathedral or Collegiate Church fourscore and ten days *conjunctim* or *divisim* in every year at the least, and then shall continue there in preaching the Word of God, and keeping good hospitality, except he shall be otherwise let with weighty (*gravibus*) and urgent causes, to be approved by the Bishop of the diocese, or in any other lawful sort (*ratione*) dispensed with. And when he is present (*moram fecerit*), he (*pariter*), with the rest of the Canons or Prebendaries resident, shall take special care (*invigilabunt*) that the statutes and laudable[y] customs of their Church, (not being contrary (*repugnent*) to the Word of God, or Prerogative Royal,) the statutes of this realm being in force concerning Ecclesiastical Order, and all other Constitutions now set forth and confirmed by his Majesty's authority, and such as shall be lawfully enjoined by the Bishop of the diocese in his Visitation, according to the statutes and customs of the same Church, or the Ecclesiastical laws of this realm, be diligently (*inviolatè*) observed; and that the Petty Canons, Vicars Choral, and other Ministers of their Church, be urged to the study of the holy Scriptures; and every one of them to have (*penes se*) the New Testament, not only in English, but also in Latin.

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[u] Founded on the Constitutions of 1571, which required the dean to reside "in singulis annis ad minimùm quater et singulis vicibus mensem integrum."

[x] A dean must reside eight months, and a canon residentiary for three months at the least in the year by 13 and 14 Vict., c. 98, § 3.

[y] "Consuetudo Laudabilis quæ non est contra Fidem vel contra bonos mores, et quæ est pia erga Deum et Ecclesiam."—(Lyndw., lib. i. tit. 3, p. 13.)

43. *Deans and Prebendaries to preach* (*ad sedulam concionandi diligentiam tenentur*) *during their Residence.*

The Dean, Master, Warden, or Chief Governor[z], Prebendaries, and Canons (*Præfectus, Gardianus, vel rector principalis et prebendarii item et Canonici*) in every Cathedral and Collegiate Church, shall not only preach there in their own persons so often as they are bound by law, statute, ordinance, or custom, but shall likewise preach in other Churches of the same diocese where they are resident, and especially in those places whence they or their Church receive any yearly rents or profits (*vectigal aliquod sive annuos fructus*). And in case they themselves be sick, or lawfully absent, they shall substitute such licensed (*sufficienti auctoritate approbatos*) Preachers to supply their turns, as by the Bishop of the diocese shall be thought meet (*idoneos*) to preach in Cathedral Churches. And if any otherwise (*secus*) neglect or omit to supply his course, as is aforesaid, the offender shall be punished by the Bishop, or by him or them to whom the jurisdiction of that Church appertaineth, according to the quality (*merito*) of the offence (*delicti*).

An English version of a Constitution of 1597, with minute differences; except that for "punished" is read

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[z] In the Cathedrals of the New Foundation, and in Collegiate Churches, as Westminster, Windsor, Southwell, Wolverhampton, &c., the residentiaries were called Prebendaries; and in those of the old, Canons, the non-resident Canons and Prebendaries being usually styled by the latter title.

"suspendantur." The first clause is the same as a Canon of 1571. The *Reformatio* forbids morning sermons in Cathedrals: "Ne quisquam illarum concionum occasione legitimè desit suæ ecclesiæ; pomeridiana verò hora ii^{da} concionibus usque ad iii^{am} serviat, deinde ad Vespertinas Preces descendatur." (*De Div. Off.*, c. iv.)

44. *Prebendaries to be resident (ad congruam residentiam tenentur) upon their Benefices.*

No Prebendaries nor Canons in Cathedral or Collegiate Churches, having one or more Benefices with Cure, (and not being Residentiaries in the same Cathedral or Collegiate Churches,) shall, under colour (*prætextu*) of their said Prebends, absent themselves from their Benefices with Cure above the space of one month in the year, unless it be for some urgent cause, and certain time to be allowed by the Bishop of the diocese. And such of the said Canons and Prebendaries, as by the ordinances of the Cathedral or Collegiate Churches do stand bound to be resident in the same, shall so among themselves sort and proportion (*portientur*) the times of the year, concerning residency to be kept in the said Churches, as that some of them always shall be personally resident there; and that all those who be, or shall be, Residentiaries in any Cathedral or Collegiate Church, shall, after the days of their residency appointed by their local statutes or customs expired, presently repair (*quam primùm convolabunt*) to their Benefices, or some one of them, or to some other charge where the law requireth their presence, there to discharge their duties according to the laws in that case provided. And the Bishop of the diocese shall see the same to be duly performed and put in execution.

This mischievous Canon, which sanctioned non-residence in Canons-residentiaries, had its bitter fruit in the fatal act which cut down their number to its present inefficient condition; and even now, in too many Cathedral Churches, one residentiary resides in turn during three months, and may be absent during three-fourths of a year, a single residentiary's house being provided for their use.

45. *Beneficed Preachers, being resident upon their Livings, to preach every Sunday* (*jugiter concionari*).

Every beneficed man, allowed (*admissi legitima auctoritate*) to be a Preacher, and residing on his Benefice, having no lawful impediment (*justo impedimento cessante*), shall, in his own Cure, or in some other Church or Chapel, where he may conveniently, near adjoining, (where no Preacher is,) preach[a] one Sermon every Sunday of the year; wherein he shall soberly and sincerely divide the word of truth, to the glory of God, and to the best (*salutarem*) edification of the people.

"The mass priest, on Sundays and mass days, shall speak the sense of the Gospel to the people in English." (*Elfric's Canons*, 957, c. xxiii.)

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[a] "Districte duximus injungendum ut rectores et vicarii plebes sibi commissas pabulo Verbi Dei, secundùm quod fuerit eis inspiratum, informare procurent, nè canes muti meritò judicentur, cùm latratu salubri à caulis Dominicis luporum spiritualium morsus non expellunt."—(Lyndw., lib. i. tit. 12, p. 64.)

46. *Beneficed Men, not Preachers, to procure monthly Sermons* (*vicariam concionatoris operam jubentur adhibere*).

Every beneficed man, not allowed (*admissus*) to be a Preacher, shall procure Sermons to be preached in his Cure (*ecclesiâ sibi creditâ*) once in every month at the least, by Preachers lawfully licensed (*legitimè approbatum*), if his living (*beneficii valor*), in the judgment of the Ordinary, will be able to bear it. And upon every Sunday, when there shall not be a Sermon preached in his Cure, he or (*vel certè*) his Curate shall read some one of the Homilies prescribed or to be prescribed by (*publicâ*) authority, to the intents aforesaid.

Every priest was required to expound the Decalogue to the people in each quarter of the year. (*Lyndw.*, lib. i. tit. 11.)

47. *Absence of beneficed Men to be supplied by Curates that are allowed Preachers.* (*Beneficiati à beneficiis suis legitimè absentes curatum concionatorem jubentur adhibere.*)

Every beneficed man, licensed[b] by the laws of this realm, upon urgent occasions of other service (*propter necessitatem officii aliàs incumbentis*), not to reside upon his Benefice, shall cause his Cure to be supplied by a Curate that is a sufficient and licensed (*idoneus et suf-*

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[b] L. V. "Cui dispensatio est indulta." A "curate" [assistant] is first mentioned in 1584. In the case of non-resident rectors, who had no vicars, it was ordered, "Ut qui veniunt transeuntesque prædicant Verbum Dei necessaria recipiant alimenta, ne ecclesiæ ipsæ a prædicantibus merito deserantur."—(Lyndw., l. iii. tit. 4, p. 133.)

ficienti auctoritate approbatus) Preacher, if the worth of the Benefice will bear it (*non repugnet*). But whosoever hath (*perfruitur*) two Benefices shall maintain (*retinebit*) a Preacher, licensed in the Benefice where he doth not reside, except he preach himself at both of them usually (*jugiter*).

48. *None to be Curates but allowed by the Bishop (vel ordinarii).*

No Curate or Minister shall be permitted to serve (*Curæ animarum*) in any place without examination and admission of the Bishop of the diocese, or Ordinary of the place, having episcopal jurisdiction, in writing [c] under his hand and seal, having respect to the greatness of the Cure, and meetness (*habilitatem*) of the party. And the said Curates and Ministers, if they remove [d] from one diocese to another, shall not be by any means admitted to serve without testimony of the Bishop of the diocese, or Ordinary of the place, as aforesaid, whence they came, in writing, of their honesty (*honestâ conversatione*), ability (*sufficientia*), and conformity to the Ecclesiastical Laws of the Church of England. Nor shall any serve (*ministrare*) more than one Church or Chapel upon one (*uno eodemque*) day, except that Chapel be a member[e] of the Parish Church or united thereunto, and unless the said Church or Chapel, where such a Minister shall serve in two places, be not able in the judgment of the Bishop or Ordinary, as aforesaid, to maintain (*alendo*) a Curate.

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[c] "Unusquisque Episcopus Clerico quem ad ecclesiam admittat, literas patentes concedat, super suâ admissione inter alia continentes in quo considat ordine, etiam quo titulo ad hujusmodi beneficium admittatur."—(Lyndw., lib. iii. tit. 6, p. 139.)

[d] "Monemus rectores ecclesiarum nè Capellanos annuos sine causâ rationabili studeant amovere, maximè si honestæ fuerint conversationis, et laudabile de suâ conversatione habeant testimonium."—(Lyndw., lib. v. tit. 12, p. 311.) "Rector ecclesiæ potest ex causâ amovere præsbyterum non beneficiatum in ecclesiâ suâ nè contra voluntatem suam celebret in eadem."—(Ibid.)

"Capella est alia a matrice ecclesiâ per divisionem extracta." (*Const. Othob.*, tit. xvii. p. 113.) 1. "Capella ex gratiâ." 2. "Pars sive membrum matricis ecclesiæ vel ab eâ dependens vel ei annexa: quòd in eâ sit curam animarum dare." 3. "Regia." (*Lyndw.*, lib. i. tit. 15, p. 70.) 4. "idem quod oratorium;" 5. "vel quæ præparata est non solùm causâ orandi, sed etiam missas celebrandi tamen cum Episcopi auctoritate, sed non habet propriam parochiam ei deputatam." (Lib. iii. tit. 23, p. 233.) 6. "Parochialis, quæ habet pro Divinis audiendis vel recipiendis sacerdotem limitatum" (Ib., p. 239); "et jura parochialia" (lib. iv. tit. 3, p. 274; lib. v. tit. 15, p. 315.) For Chapels paying offertories to the mother Church, see *Othob.*, (tit. 16.)

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[e] "Capellæ Parochiales ubi parochianis deservitur de Ecclesiasticis Sacramentis et Sacramentalibus sic quòd non teneantur accedere ad Ecclesiam majorem pro Divinis audiendis vel recipiendis Sacramentis, et habent ad hoc Sacerdotem specialiter limitatum."—(Lyndw., lib. 3, tit. 23.) The other chapel mentioned in the Canon is (1.) "Quandò Capella dependens habet Curatum proprium alium à Curato superioris ecclesiæ, (2.) quando prælatus superioris ecclesiæ est Curatus utriusque, exercet tamen ibi curam per vicarium non perpetuum sed temporalem ac remotivum ad libitum." A distinction is again drawn, thus, "Capella ecclesiæ parochiali principali annexa et unita; aut ab eâ dependens."—(Ib., l. iii. tit. 22.)

49. *Ministers, not allowed Preachers*[f] (*Ministris ad Concionandum non admissis glossæ paraphrases in publica Scripturarum lectione interdictæ*), *may not expound.*

No person whatsoever (*cujuscunque conditionis minister*), not examined and approved by the Bishop of the diocese, or not licensed, as is aforesaid, for a sufficient or convenient (*idoneo*) Preacher, shall take upon him to expound in his own Cure, or elsewhere[g], any (*locum aliquem*) Scripture or matter of Doctrine (*doctrinæ sacræ*); but shall only study to read plainly and aptly (without glossing or adding) the Homilies[h] "already set forth, or hereafter to be published by lawful authority," for the confirmation of the true faith, and for the good[i] instruction and edification of the people[j].

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[f] "None to be admitted a preacher unless he be first a deacon at the least."—(Art., 1575.) "Merè Laicus nec publicè nec privatè potest prædicare, ascendendo pulpitum et faciendo sermonem ad populum. Episcopi auctoritatem prædicandi aliis dare non possunt nisi in propriis diœcesibus: inferiores verè prælati sive curati subditis sibi commissis prædicari possunt etiamsi fuerint diaconi tantùm, aliis etiam officium prædicandi possunt committere in curâ eis commissâ, dum tamen tales sint, ad hoc approbati vel vocati fuerint ut sunt doctores in theologia, vel aliàs per episcopum approbati: qui nec prælati nec curati sunt non possunt prædicare nisi mittuntur ab his qui hoc facere possunt. Diaconus prædicat ex delegatione."—(Lyndw., l. iii. tit. 4, p. 133.) Comp. Advertisements of 1564.

[g] "In parochiâ sua, nec extra ministerium et ecclesiam suam."—(Canon, 1571.)

[h] Incorporated in the rubric, 1662.

[i] Omitted in Latin Version.

[j] "Vanas et aniles opiniones et hæreses et errores pontificios à doctrinâ et Fide Christi abhorrentes, non docebunt, nec omninò quicquam quo imperita multitudo vel ad novitatis studium, vel ad contentionem inflammetur. Semper autem proponent ea, quæ ad ædificationem faciant, et auditores Christianâ concordiâ et charitate concilient. Ne quid unquam doceant quod à populo religiosè teneri et credi velint nisi quod consentaneum sit doctrinæ Veteris aut Novi Testamenti quodque ex illâ ipsâ doctrinâ Catholici patres et veteres episcopi collegerint."—(Canons, 1571.)

XXXV. *Of Homilies.*

The second Book of Homilies, the several titles whereof we have joined under this Article, doth contain a godly and wholesome doctrine, and necessary for these times, as doth the former book of Homilies, which were set forth in the time of Edward the Sixth; and therefore we judge them to be read in Churches by the Ministers, diligently and distinctly, that they may be understanded of the people.

50. *Strangers not admitted to preach without shewing their Licence.* (*Concionatores adventitii absque legitimâ missione ad concionandum non admittendi.*)

Neither the Minister, Churchwardens, nor any other Officers of the Church, shall suffer any man to preach within their Churches or Chapels, but such as, by shewing their Licence to preach, shall appear[k] unto them to be sufficiently (*justâ*) authorized (*auctoritate muniti*) thereunto, as is aforesaid.

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[k] "Si dubitetur an missi sint ad prædicandum, debent examinari an ita sint; nec debent recipi, nisi de hoc constet."—(Lyndw., l. iii. tit. 4, p. 133.) "Præcipimus nè Sacerdotes ignoti, de quorum ordinatione non constat, ad Divinorum celebrationem deserviendo ecclesiis [in curâ animarum] admittantur [per gubernatores ipsarum ecclesiarum] nisi de licentia episcopi diœcesani, cùm per litteras testimoniales, vel testimonium bonorum virorum eis, de eorum verè constiterit ordinatione, et sufficientur fuerit facta fides. Nullus sacerdos admittatur ad celebrandum in aliquâ diœcesi, in quâ oriundus sive ordinatus fuerit, nisi deferat secum litteras Ordinum suorum, atque Litteras Commendatitias diœcesani sui, et nihilominùs aliorum episcoporum in quorum diœcesibus interim per magnum tempus [ad minus ultra annum unum] in quibus expressè [in genere] caveri volumus et mandamus de moribus [virtutibus] et conversatione [modo vivendi cum aliis] ejusdem, et an sit diffamatus de et super aliquibus novis opinionibus in Fide Catholicâ aut bonis moribus malè sapientibus, vel sit de eisdem omnibus immunis. Alioquin tàm ipse celebrans quàm ipsum sic celebrare permittens acriter puniatur [pœnâ arbitrariâ]."—(Lyndw., i. tit. 10, p. 49.)

"No stranger, Bishop, Priest, or Deacon shall be received without letters commendatory: and those who bring them shall be examined, and if they be found to be preachers of holiness, then they shall be received." (*Apost. Const.*, xxxiii., ed. Beveridge.)

51. *Strangers not admitted to preach in Cathedral Churches, without sufficient authority.* (*Advenæ concionatores nisi auctentico testimonio commendate.*)

The Deans, Presidents[l] (*præfecti*), and Residentiaries of any Cathedral or Collegiate Church, shall suffer no Stranger (*nemini extraneo*) to preach unto the people in their Churches, except they be allowed (*suffultus approbatione*) by the Archbishop of the province, or by the Bishop of the same diocese, or by either of the Universities[m]. And if any in his Sermon shall publish any doctrine (*dogma*), either strange (*novum*), or disagreeing (*minùs consonum*) from the Word of God, or from any of the Articles of Religion agreed upon in the Convocation-house, Anno 1562, or from the Book of Common Prayer; the Dean or the Residents shall, by their letters subscribed with some of their hands that heard him, so soon as may be, give notice of the same to the Bishop of the diocese, that he may determine the matter, and take such order (*statuat*) therein as he shall think convenient.

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[l] At Llandaff, St. David's, Heytesbury, Southwell, Brecon, and in other churches, the office of Dean did not exist at this time. See also Lyndw., p. 70.

[m] The Second Clause is a translation from the Canon of 1571, which employs the term "peregrini."

52. *The names of strange (adveṅarum) Preachers to be noted in a Book.*

That the Bishop may understand (if occasion (*causa*) so require) what Sermons are made (*habeantur*) in every Church of his diocese, and who presume to preach without Licence (*legitimâ auctoritate*), the Churchwardens and Sidemen (*eorumque assistentes*) shall see that the Names of all Preachers, which come to their Church from any other place, be noted in a Book which they shall have ready for that purpose; wherein every preacher shall subscribe his Name, the day when he preached, and the Name of the Bishop of whom he had Licence[n] (*potestatem*) to preach.

53. *No public opposition between Preachers. (Concionatorum mutuis oppositionibus pulpita non patebunt.)*

If any Preacher shall, in the Pulpit particularly, or namely, of purpose, impugn or confute any doctrine delivered by any other Preacher in the same Church, or in any Church near adjoining, before he hath acquainted the Bishop of the diocese therewith, and received order (*mandatum*) from him what to do in that case, because upon such public dissenting and contradicting (*oppositionibus ejusmodi*) there may grow much offence and disquietness unto the people; the Churchwardens, or party aggrieved, shall forthwith signify the same to the said Bishop, and not suffer the said Preacher any more to occupy that place which he hath once abused, except he faithfully (*sanctè receperit*) promise to forbear all such matter of contention in the Church, until

[n] An English Version of the Canon of 1571.

the Bishop hath taken further order therein: who shall with all convenient speed (*quamprimum commodè*) so proceed therein, that public satisfaction (*publicè satisfiat*) may be made in the congregation where the offence was given. Provided, that if either of the parties offending do appeal, he shall not be suffered to preach *pendente lite.*

54. *The Licences of Preachers refusing Conformity to be void.* (*Concionatores schismatici licentiis suis mulctati.*)

If any man licensed heretofore to preach, by any Archbishop, Bishop, or by either of the Universities, shall at any time from henceforth refuse to conform himself to the Laws, Ordinances (*institutis*), and Rites Ecclesiastical, established in the Church of England, he shall be admonished by the Bishop of the diocese, or Ordinary of the place, to submit himself to the use and due exercise (*observationi*) of the same. And if, after such admonition, he do not conform himself within the space of one month, we determine and decree, that the Licence (*facultatem*) of every such Preacher shall thereupon be utterly void, and of none effect.

55. *The form of a Prayer to be used* (*imitanda*) *by all Preachers before their Sermons* (*in concionum ingressu*).

Before (*in aditu*) all Sermons, Lectures, and Homilies, the Preachers and Ministers shall move the people to join with them in Prayer in this form, or to this effect, as briefly as conveniently[o] (*summariâ brevitate*

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[o] This Canon is founded upon the Form in the Royal Injunctions of 1559, § liii., which was an expansion of the Form

quantum licet) they may: 'Ye shall pray (*precamini*) for Christ's holy Catholic Church, that is, for the whole congregation (*universo cœtu*) of Christian people dispersed (*diffusi et disseminati*) throughout the whole world, and especially for the Churches of England, Scotland, and Ireland: and herein I require you most especially to pray for the King's most excellent Majesty, our Sovereign (*clementissimo*) Lord JAMES, King of England, Scotland, France, and Ireland, Defender of the Faith, and Supreme Governor in these his realms, and all other his dominions and countries, over all persons in all causes, as well Ecclesiastical as Temporal: ye shall also pray for our gracious (*serenissimâ*) Queen ANNE, the noble Prince HENRY, and the rest of the King and Queen's royal issue: ye shall also pray for the Ministers of God's holy (*Divini*) Word and Sacraments, as well Archbishops and Bishops, as other Pastors and Curates; ye shall also pray for the King's most honourable Council, and for all the Nobility and Magistrates of this realm; that all and every of these, in their several callings, may serve truly and painfully (*diligenter et fideliter*) to the glory of God, and the edifying and well governing of His people, remembering the account that they must make (*cùm ad Christi tribunal sistentur judicandi*): also ye shall pray for the whole Commons (*populo et plebe universâ*) of this realm, that they may

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in the Injunctions of 1547, § 36, one still older being retained, with the omission of the pope's name. "No prayer to be used after the Sermon in the pulpit, but the Sermon to be concluded with 'Glory be to the Father,' and so come down from the pulpit. Doth the preacher forbear to pronounce the Blessing out of the pulpit, wherewith the Church useth to dismiss the people . . . doth he at the close of all give the Blessing?"—(Wren's Art., 1636.)

live in the true faith and fear of God, in humble obedience to (*sancto timore*) the King, and brotherly charity (*erga*) one to another. Finally, let us praise God for all those which are departed out of this life in the faith of Christ, and pray unto God that we may have grace (*per Illius gratiam*) to direct our lives after their good (*pium*) example; that, this life ended, we may be made partakers with them of the glorious resurrection in the life everlasting (*resurgamus cum illis ad cœlestem gloriam et vitam æternam*);' always concluding with the Lord's Prayer.

56. *Preachers and Lecturers* (*Ministris merè concionatoribus*) *to read Divine Service, and administer the Sacraments twice a Year at least.*

Every Minister, being possessed of a Benefice that hath cure and charge of souls, although he chiefly attend (*vacet*) to preaching, and hath a Curate under him, to execute the other duties which are to be performed for (*vice ipsius*) him in the Church, and likewise every other stipendiary Preacher that readeth any lecture, or catechizeth, or preacheth in any Church or Chapel[p], shall twice at the least every year read himself the Divine Service upon two several Sundays publicly, and at the usual times, both in the forenoon and afternoon (*tùm matutini tùm vespertini temporis*), in the Church which he so possesseth (*beneficiatus*), or where he readeth (*prælectoris*), catechizeth, or preacheth, as is aforesaid; and shall likewise as often in every year administer the Sacraments of Baptism, if there be any to be baptized, and of the Lord's Supper, in such manner and form, and with the observation of all such rites and ceremonies as are prescribed by the Book of Common Prayer in that behalf. Which if he do not accordingly perform, then shall he that is possessed of a Benefice (as before) be suspended; and he (*stipendiarius verò*) that is but a Reader [q], Preacher, or Catechizer [r], be removed from his place by the Bishop of the diocese, until he or they shall submit themselves to perform (*perficienda*) all the said duties, in such manner and sort as before is prescribed.

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[p] "Ad solum episcopum spectat constituere Ecclesiam vel Capellam Parochialem. Capella habens jura parochialia, in qua instituitur aliquis ut Perpetuus Curatus ejusdem, licet dependeat talis capella ab ecclesia superiori: sin autem sit remotivus ad libitum prælati majoris ecclesiæ, nihilominùs potest capella habere jura parochialia, viz. ex consuetudine præscripta," if it has enjoyed them "per spatium xl. annorum ad minus cum ordinatione episcopi."—(Lyndw., lib. iv. tit. 3, p. 277.)

57. *The Sacraments not to be refused at the Hands of unpreaching Ministers.* (*A Ministris non concionatoribus Sacramenta efficaciter administrari.*)

Whereas divers persons, seduced (*in errorem ducti*) by false teachers (*doctoribus*), do refuse to have their children baptized by a Minister that is no Preacher [s], and to receive the Holy Communion (*ad Sacram Cœnam recusant accedere*) at his hands in the same respect, as though the virtue (*virtus et efficacitas*) of those Sacraments did depend upon his ability (*facultate*) to preach; forasmuch as the (*integra*) doctrine both of Baptism and of the Lord's Supper is so sufficiently (*tàm plene et integrè*) set down in the Book of Common Prayer to be used at the administration of the said Sacraments, as nothing can be added unto it that is material (*solidum*) and necessary; we do require and charge every such person, seduced as aforesaid, to reform that their wilfulness (*pertinaciam*), and to submit himself to the order of the Church in that behalf; both the said Sacraments being equally effectual, whether (*nihil intersit utrum*) they be ministered by a Minister that is no Preacher, or by one that is a Preacher. And if any hereafter shall offend herein, or leave (*declinantes*) their own Parish Churches in that respect, and communicate, or cause their children to be baptized, in other parishes abroad, and will not be moved thereby to reform that their error and unlawful course (*ratione*); let them be presented to the Ordinary of the place by the Minister, Churchwardens, and Sidemen, or Questmen (*assistentes*) of the parishes where they dwell, and there receive such punishment by Ecclesiastical censures[t], as such obstinacy doth worthily deserve; that is, let them (persisting in their wilfulness) (*contumaces*) be suspended, and then, after a month's further obstinacy (*perseveraverint*) excommunicated. And likewise,

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[q] The regulations of the Reader are given in Strype's "Annals," i. 306.

[r] "That none be permitted to preach, read, or catechize, in the church or elsewhere, unless he do four times in the year at least say Service and minister the Sacraments according to the Book of Common Prayer."—(Whitgift's Art., 1584, n. iv.) "None be permitted to preach or interpret the Scriptures, unless he be a priest or deacon at the least."—(n. v.)

[s] "Whereas many indiscreet persons do at this day uncharitably contemn and abuse Priests and ministers of the Church, because some of them having small learning, have of long time favoured fond fantasies rather than God's truth, yet forasmuch as their Office and function is appointed of God, the Queen's Majesty willeth and chargeth all her loving subjects, that from henceforth they shall use them charitably and reve-

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rently for their office and ministration sake, and specially such as labour in the setting forth of God's holy Word."—(Roy. Inj., 1559, Art. xxviii.)

[t] See Lyndw., lib. iii. tit. 7.

if any Parson, Vicar, or Curate, shall, after the publishing hereof, either receive to the Communion (*Sacræ Cœnæ*) any such persons which are not of his own church and parish, or shall baptize any of their children, thereby strengthening (*confirmans*) them in their said errors, let him be suspended, and not released (*absolvetur*) thereof, until he do faithfully (*sanctè*) promise that he will not afterwards offend therein.

"Nullus Sacram Communionem præbeat parochiano alterius sacerdotis sine ipsius licentiâ manifestâ." (*Lyndw.*, lib. iii. tit. 23, p. 233.)

58. *Ministers reading Divine Service, and administering the Sacraments* (*sacra peragentibus*), *to wear Surplices, and Graduates therewithal Hoods.*

[u]Every Minister saying (*recitet*) the public Prayers, or ministering the Sacraments, or other Rites of the Church, shall wear a decent and comely (*congruo*) surplice with sleeves, to be provided at the charge (*impensis*) of the parish. And if any question arise touching the matter[v], decency, or comeliness (*materiâ vel competente decentiâ*) thereof, the same shall be decided by the discretion of the Ordinary. Furthermore, such

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[u] The first clause comes from the Advertisements of 1564, the word "the" being substituted for "any."

[v] "Decernimus ut Presbyteri infra nostram Provinciam celebrantes intersint in Cancello in Matutinis Vesperis et aliis Divinis Officiis debitis horis induti Superpelliceis."—(Lyndw., lib. iii. tit. 23, p. 237.) "Nullus clericus permittatur ministrare in officio altaris [in tempore missæ vel alio quo sacerdos exequitur officium altaris] nisi indutus in superpelliceo."—(Ib., p. 236.) "Sacerdote saltem induto superpelliceo gerente orarium [stolam qua Sacerdos in omni Divino obsequio uti debet et suo collo imponit.]"—(Lib. iii. tit. 26, p. 249.)

Ministers[x] as are Graduates shall wear upon their Surplices, at such times (*inter Sacra peragenda*), such Hoods as by the orders of the Universities are agreeable (*convenientia*) to their degrees, which no Minister shall wear (being no Graduate) under pain of suspension. Notwithstanding it shall be lawful (*permittimus*) for such Ministers as are not Graduates to wear upon their Surplices, instead of Hoods, some decent Tippet (*liripipia*[y]) of black, so it be not silk.

1549. *Rubric.*—In the saying or singing of Matins and Evensong, baptizing and burying, the Minister in parish churches, and chapels annexed to the same, shall use a surplice. "Superpelliceum habet manicas pendulas." (*Lyndw.*, lib. iii. tit. 27.)

"Let no mass-priest or minster-priest ever come within the church door, or into his stall, or the chancel, without his 'over-slipe,' nor on any account to the altar without that vesture." (*Edgar's Canons*, 960,

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[x] "Ministri, rectores, vicarii et alii curam animarum habentes."—(Lyndw., lib. iii. tit. 16, p. 185.)

[y] The word occurs in the Statutes of Brasenose College, 1522, (Churton's Lives of the Founders, p. 327,) and of Ratisbon, 1506, as "heripipium," which Mayer explains as "Caputium v. cleri peplum vulgariter pöff." The use of the tippet of sarcenet (see Canon 74) was regulated by 24 Hen. VIII. Philpot speaks of the "tippet bounden about the head," (Works, 119); and Latimer of one taking his "cloak or tippet," (i. 300.) Cartwright says it was worn out of doors with the cap. Probably the scarf still worn by a D.D. with his gown at Oxford, in the street, is "Stola quædam ab utroque humero pendula et ad talos ferè dimissa," which was worn with cornered cap and "vestis talaris" even "in vestitu communi," mentioned by Grindal, (Lett. 335). It was used also with the surplice. (Whitgift, ii. 1.) The lerripippe is mentioned in the reign of Edw. III.; (Desid. Curios., lib. xv. p. 570.) From its colour, this cape, which had often a pendent tail, probably resembled a livery, or mourning hood: the academical hood is called "epomis" and "caputium;" Littleton writes the word "cleropeplum."

c. xlvi. See the Rubrics for Ornaments of Ministers, *Keeling's Orig. Liturg.*, 229, 356, 167; the *Exceptions* in 1662; and the Answ. of the Bishops; *Card. Conf.*, 118, 314; *Synod.*, 498; 2 & 3 Edw. VI., c. 1; 1 Eliz., c. 2, § 26.) The rubric of 1662 says such ornaments "at all times of their ministration shall be retained and be in use, as were in this Church of England," in the second year of Edward VI.

59. *Ministers to Catechize*[z] *every Sunday.* (*Catechizandi diligentia ministris injuncta.*)

Every Parson, Vicar, or Curate, upon every Sunday and Holy-day[a], before Evening Prayer, shall, for half an hour or more, examine and instruct the youth[b] and ignorant persons (*plebem rudiorem*) of his parish, in the Ten Commandments, the Articles of the Belief (*Symbolo Apostolico*), and in the Lord's Prayer; and shall diligently hear, instruct, and teach them the Catechism set forth in the Book of Common Prayer. And all fathers, mothers, masters, and mistresses, shall cause their children, servants, and apprentices, which have not learned the Catechism, to come to the Church at the time appointed, obediently to hear, and to be ordered by the Minister, until they have learned the same[c]. And if any Minister neglect (*negligens et re-*

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[z] "Catechismi, instructiones sive informationes in Fide."—(Lyndw., lib. iii. tit. 24, p. 144.)

[a] "Pomeridiano tempore primam horam minister explicando Catechismum tribuat."—(Reform. Leg. Eccles., c. ix.)

[b] The first Clause, as far as "youth," is taken from Roy. Inj., 1559, § 44, reading, "Second Sunday in the year," and "half an hour at the least;" in 1571 from noon to 2 p.m. (Synod., 121.)

[c] This is provided for by the Rubric. By the Constitution of 1571, before one could contract marriage, be a communicant or Godparent, it was requisite to know the rudiments of the Chris-

missus) his duty herein, let him be sharply (*acriter*) reproved, upon the first complaint[d], and true notice thereof given to the Bishop or Ordinary of the place. If, after submitting himself, he shall willingly offend therein again, let him be suspended[e]; if so the third time, there being little hope that he will be therein reformed, then excommunicated, and so remain until he will be reformed (*se correxerit*). And likewise if any of the said fathers, mothers, masters, or mistresses, children, servants, or apprentices, shall neglect their duties, as the one sort in not causing them to come, and the other in refusing to learn, as aforesaid; let them be suspended by their Ordinaries, (if they be not children) (*modo adulti sint*), and if they so persist by the space of a month, then let them be excommunicated.

Rubric.—¶ The Curate of every Parish shall diligently

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tian religion, and to answer well and aptly in every part of the Catechism.

[d] "Quoad illa quæ sunt jurisdictionis quilibet habens jurisdictionem ordinariam dicitur Ordinarius; quoad ea quæ sunt ordinis vel dispensationis singularis solus Episcopus fungitur appellatione Ordinarii."—(Athon., p. 51.) "Catechismi, instructiones sive informationes in Fide præparatoriæ ad Baptismum. Catechismus institutus est propter instructionem de Articulis communibus ad Fidei instructionem et susceptionem; propter responsionem ad Fidei professionem; propter sponsionem ad Fidei observationem."—(Lyndw., lib. iii. tit. 24, pp. 244, 5.)

[e] "Suspensio ab officio et beneficio. Quandoque suspensio est determinata in tempus satisfactionis vel restitutionis; quandoque fit simpliciter; quandoque ab Officio fit; quandoque a Beneficio tantùm. Si pro magnâ causâ sit suspensus Officio, tunc etiam Beneficio videtur suspensus. Tantùm ab officio suspensus non potest facere ea quæ sunt officii, puta, celebrare Divina et similia; per hoc tamen non impeditus facere ea quæ sunt jurisdictionis. A Beneficio tantùm suspensus, celebrans non efficitur irregularis; in officio suo potest ministrare."—(Lyndw., lib. i. tit. 2, pp. 11, 12.)

upon Sundays and Holy-days, after the second Lesson at Evening Prayer, openly in the Church instruct and examine so many Children of his Parish sent unto him, as he shall think convenient, in some part of this Catechism.

60. *Confirmation to be performed once in three Years*[f]. (*Confirmationis solennitas in triennali episcoporum visitatione celebranda.*)

Forasmuch as it hath been a solemn, ancient, and laudable custom in the Church of God, continued from the Apostles' times, that all Bishops should lay their hands [g] upon children [h] (*parvulis*) baptized, and instructed in the Catechism of Christian Religion, praying over them, and blessing them, which we commonly call *Confirmation*, and that this holy action (*mos sanctissimi istius operis*) hath been accustomed in the Church in former ages (*per multas ætates*) to be performed in the Bishop's visitation [i] every third year; we will and appoint, That every Bishop or his Suffragan, in his accustomed visitation, do in his own person carefully observe the said custom. And if in that year, by reason of some infirmity, he be not able personally to visit, then he shall not omit the execution of that duty of Confirmation the next year after, as he may conveniently.

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[f] "Confirmatio confirmat gratiam datam in Baptismate, et præparat ad militiam spiritualem et ad confessionem constantem Nominis Christi animat."—(Lyndw., lib. i. tit. 7, p. 41.)

[g] "Est Manus Impositio Confirmatoria."—(Lyndw., lib. v. tit. 16, 338.) "The Bishop shall lay his hand upon the head of every one severally," (1662); "every child one after another," 1549. Comp. S. August. de Trin., c. 26, § 46; S. Cypr. Ep. lxxiii., ad Jubian.; II. Seville, c. 7.

[h] "That children be not admitted to the Communion before the age of twelve or thirteen years, of good discretion, and well-instructed before."—(Interpr. of Bishops, 1559.)

[i] "Episcopi diœceses juxta antiquam hujus regni consuetudinem saltem singulis trienniis per seipsos visitant."—(Leg. Const. Poli, decr. xii.)

Rubric.—¶ So soon as Children are come to a competent age, and can say, in their Mother Tongue, the Creed, the Lord's Prayer, and the Ten Commandments; and also can answer to the other Questions of this short Catechism; they shall be brought to the Bishop. And every one shall have a Godfather, or a Godmother, as a Witness of their Confirmation.

"Circueant episcopi diœceses suas temporibus opportunis corrigendo et reformando ecclesias, et consecrando, [pueros quoque confirmando], et verbum Dei seminando in agro Dominico." (*Const. Othon.*, 57.) "Diœcesim totam tertio quoque anno visitet episcopus, in catechismo instructos certo anni tempore confirmet." (*Reformatio Legum, de Eccles.*, c. xii.)

61. *Ministers to prepare Children for Confirmation.* (*Catechumeni episcopo visitanti per ministrum ad confirmationem sistendi.*)

Every Minister, that hath cure and charge of souls, for the better accomplishing of the orders (*instituta et ritus*) prescribed in the Book of Common Prayer concerning Confirmation, shall take especial care that none shall be presented to the Bishop for him to lay his hands upon, but such as can render an account of their faith, according to the Catechism in the said Book contained. And when the Bishop shall assign any time for the performance of that part of his duty, every such Minister shall use his best endeavour (*sedulam operam*) to prepare and make able, and likewise to procure as many as he can (*quàm queat plurimos*) to be then brought, and by the Bishop to be confirmed[k] (*inducat coram episcopo confirmandos comparare*).

Rubric.—¶ And whensoever the Bishop shall give knowledge for Children to be brought unto him for their Confirmation, the Curate of every Parish shall either bring, or send in writing, with his hand subscribed thereunto, the names of all such persons within his Parish, as he shall think fit to be presented to the Bishop to be confirmed. And, if the Bishop approve of them, he shall confirm them.

62. *Ministers not* (*prohibiti*) *to marry any Persons without Banns or Licence* (*legitimè dispensatis*).

[l]No Minister, upon pain of suspension *per triennium ipso facto*, shall celebrate Matrimony between any

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[k] "Pueri. Quos priùs parvulos dicit pueros. Puer est major septennis sed minor xiv. annis."—(Lyndw., lib. i. tit. 6, p. 34.)

[l] The first clause is founded on the Admonition of 1563, § v., vi. "Omnes sacerdotes matrimoniis (non præhabitis tribus edictis seu bannis) interesse aut præesse præsumentes, triennio ab officio esse suspendendos. Item extra ecclesiam parochialem, sine diœcesani veniâ, solemnizantes anno ab officio suspendendos."—(Lyndw., lib. iv. tit. 3, p. 270.) "Sacerdotes qui solemnizationes matrimoniorum inter alios quàm suos parochianos in posterum scienter fecerint, Diœcesanorum vel Curatorum ipsorum contrahentium super hoc licenciâ non obtentâ, excommunicationis sententiam incurrunt ipso facto."—(Ib., p. 276.) 8 and 12. "Missa Parochialis maximè diebus festivis debet dici Horâ Tertiâ (9 a.m.) diebus profestis in Sextâ (noon.)"—(Lyndw., lib. iii. tit. 23, p. 236.) This enactment of the Canon was a provision for receiving the Holy Communion. The hours were first limited in the Constitutions of 1597. The Canon of 1585 uses the word "tempestivè," "de die" in 1332. Wren (1636) ordered marriages to follow next after the first service (that is, Matins); Thorndike, (Works, v. 242), says, speaking of Sunday, "Between the hours of eight and twelve there is time enough for two assemblies (congregations)." By 4 Geo. IV., ch. 76, § 2, 21, the marriage must be solemnized in a church wherein the banns

persons, without a faculty or licence granted by some of the persons in these our Constitutions (*inferiùs*) expressed, except the Banns of Matrimony have been first published (*denunciata idque publicè*) three several (*separatim*) Sundays, or Holy-days [m], in the time of Divine Service, in the Parish Churches and Chapels where the said parties dwell, according to the Book of Common Prayer. Neither shall any Minister, upon the like pain, under any pretence whatsoever, join any persons so licensed in marriage at any unseasonable times, but only between the hours of eight and twelve in the forenoon, nor in any private place, but either in the said Churches or Chapels where one of them dwelleth, and likewise in time of Divine Service; nor when Banns are thrice asked, and no licence in that respect necessary, before the parents or governors of the parties to be married (*contrahentium*), being under the age of twenty and one years, shall either personally, or by sufficient (*luculentum*) testimony, signify to him their consents given to the said Marriage.

Rubric.—¶ First the Banns of all that are to be married together must be published in the Church three several Sundays, during the time of Morning Service; or of Evening Service, (if there be no Morning Service,) immediately after the second Lesson.

In the Sealed Book, the rubric runs after the Nicene Creed, "the banns of matrimony published."

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have been published; and by 26 Geo. II., c. 33, § 3, four weeks' residence next before in the parish wherein one of the parties to be married, is required before a licence can be granted.

[m] Omitted in the Latin Version. It was the old law.—(Lyndw., App. 40.) For Licences, see Canons 101—104.

¶ And if the persons that are to be married dwell in divers Parishes, the Banns must be asked in both Parishes; and the Curate of the one Parish shall not solemnize Matrimony betwixt them, without a Certificate of the Banns being thrice asked, from the Curate of the other Parish.

The first rubric is confirmed by 6 & 7 Will. IV., ch. 85; Sundays only are mentioned by 4 Geo. IV., ch. 76, § 2; and expressed consent is not required, § 8[n]. "Cavere debet sacerdos ne parochianam suam desponset extraneo, inconsulto Curato ipsius extranei vel ecclesiâ." (*Lyndw.*, lib. iv. tit. 3, p. 273.) For prohibited times of marriage, see *Counc. of Eanham*, 1009, c. xviii.; *Cnute's Laws*, 1017, c. xvii.; *Lyndw.*, lib. iii. tit. 16; iv. tit. 3; 2 *Rep. Rit. Comm.*, 552, 571.

63. *Ministers of (in) exempt Churches not to marry without Banns, or Licence*[o].

Every Minister, who shall hereafter celebrate Marriage between any persons contrary to our said Constitutions, or any part of them, under colour (*prætextu*) of any peculiar liberty or privilege (*cujuslibet immunitatis*) claimed to appertain to certain Churches and Chapels, shall be suspended *per triennium* by the Ordinary of the place where the offence shall be committed.

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[n] Legal impediments are an existing marriage; incompetency of mind, or age; the expressed dissent of parents or guardians in case of minors; and forbidden degrees.

[o] Founded on a short article (v.) in the Admonition of 1563 against marriage in "lawless exempt churches." "In eos qui solemnizant matrimonium inter parochianos alienos, sine licentiâ speciali Curati fertur sententia excommunicationis ipso jure."—(Lyndw., lib. iii. tit. 23, p. 233.)

And if any such Minister shall afterwards remove from the place where he hath committed that fault, before he be suspended, as is aforesaid, then shall the Bishop of the diocese, or Ordinary of the place where he remaineth [upon certificate under the hand and seal of the other Ordinary, from whose jurisdiction he removed (*se subduxit*)], execute that censure upon him.

"Si Ecclesia donata habet populum tunc Episcopo remanent omnia jura episcopalia quoad populum, quia licet Ecclesia sit Exempta, tamen populus non est exemptus, unde ministrabit Sacramenta, instituet sacerdotem quoad Curam super populum, habebit etiam jurisdictionem super populum et sic visitabit et inquiret quomodo Curatus ministrat Sacramenta populo, nam de istis sacerdos curatus respondebit Episcopo." (*Lyndw.*, lib. iii. tit. 9, p. 158.) "Censuræ—tria sunt genera, Suspensio, Excommunicatio, et Interdictum." (*Lyndw.*, lib. iii. tit. 7, p. 143.) "Per locorum Ordinarios censurâ ecclesiasticâ; per eos qui præsunt jurisdictioni ordinariæ et possunt uti censurâ ecclesiasticâ. Censura est circa pœnam spiritualem. Animadversio circa pœnam temporalem. Censuram fulminare possunt prælati quibus ab homine, lege, canone, aut consuetudine tribuitur jurisdictio ordinaria." (Lib. i. tit. 3, p. 23.) Peculiars, or Exempt Jurisdictions (*Ayliffe, Parergon*, 417). They had their own ordinary; these were royal free chapels, archbishops' peculiars, or capitular peculiars. Like Donatives, which owned only partial obedience to the bishop, they are now subject to the Church Discipline Acts by 3 & 4 Vict., c. 86, § 22.

64. *Ministers*[p] *solemnly* (*indicendæ*) *to bid Holy-days.*

Every Parson, Vicar, or Curate, shall in his several charge (*ecclesiâ*) declare to the people, every Sunday at the time appointed in the Communion-book, whether there be any Holy-days or Fasting-days (*dies Festivi et Vigiliæ*) the week following. And if any do hereafter wittingly offend herein, and being once admonished thereof by his Ordinary, shall again omit that duty, let him be censured (*animadversione puniatur*) according to law, until he submit himself to the due performance of it.

Rubric.—Then [i.e. after the Creed] the Curate shall declare unto the people what Holy-days, or Fasting-days, are in the Week following to be observed. And then also (if occasion be) shall notice be given of the Communion.

"Si superior procedit ut judex et punit delicta præsentia vel præterita, tunc necessaria est monitio ante fulminationem Censuræ ecclesiasticæ." (*Lyndw.*, lib. v. tit. 17; lib. i. tit. 2, p. 15.)

65. *Ministers solemnly to denounce Recusants*[q] *and Excommunicates.*

All Ordinaries (*locorum*) shall, in their several (*respectivè*) jurisdictions, carefully see and give order (*sol-*

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[p] "Standum est consuetudini ecclesiæ quoad solennitatem." —(Lyndw., lib. iii. tit. 8, p. 149, formâ servatâ.) The Royal Injunctions of 1584, § 23, appointed the time after the Bidding Prayer (and therefore in the pulpit).

[q] An offender who refuses conformity (29 Eliz., c. vi.); all penalties affecting persons dissenting from the worship and doctrines of the Church of England are repealed by 7 & 8 Vict., c. 102; 9 & 10 Vict., c. 59.

licitè providebunt), that as well those who for obstinate refusing to frequent Divine Service established by public authority within this realm of England, as those also (especially of the better sort (*notæ*) and condition) who for notorious contumacy, or other notable crimes, stand lawfully excommunicate, (unless within three months immediately after the said sentence of Excommunication pronounced against them, they reform themselves, and obtain the benefit (*gratiam*) of Absolution[r]), be, every six months ensuing, as well in the Parish Church, as in the Cathedral Church of the diocese in which they remain, by the Minister openly, in time of Divine Service, upon some Sunday, denounced and declared excommunicate, that others may be thereby both admonished to refrain their company and society, and excited the rather to procure out a writ *De excommunicato capiendo*, thereby to bring and reduce them into due order and obedience. Likewise the registrar of every Ecclesiastical Court shall yearly between Michaelmas and Christmas duly certify the Archbishop of the Province of all and singular the premises aforesaid.

66. *Ministers to confer with Recusants.* (*Conversio recusantium a ministris sedulò elaboranda.*)

Every Minister being a Preacher (*Cui concionandi facultas est*), and having any Popish Recusant or Recusants in his parish, and thought fit by the Bishop of the diocese, shall labour diligently with them from time to time, thereby to reclaim (*in viam veritatis reducat*) them from their errors. And if he be no Preacher, or not such a Preacher, then he shall procure, if he can possibly, some that are Preachers so qualified, to take pains (*subsidiariam operam*) with them for that purpose. If he can procure none, then he shall inform the Bishop of the diocese thereof, who shall not only appoint some neighbour Preacher or Preachers adjoining to take that labour upon them, but himself also, as his important affairs (*arduas occupationes*) will permit him, shall use his best endeavour by instruction, persuasion, and all good means (*modisque blandis et benignis*) he can devise, to reclaim (*à suis erroribus deducat*) both them and all other within his diocese so affected.

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[r] "Solis Episcopis reservatur absolutio in multis casibus. Ubi absolutio à pœnâ canonis non est ipsi statuenti specialiter reservata, ipso jure potestas absolvendi remanet penès ordinarium inferiorem : à pœna statuti Provincialis ad Archiepiscopum pertinet absolutio."—(Lyndw., lib. iii. tit. 1, p. 123.)

67. *Ministers to visit the Sick* (*sedulò visitandi*).

When any person is dangerously sick (*decumbens*) in any parish, the Minister or Curate, having knowledge thereof, shall resort[s] unto him or her, ([t] if the disease be not known, or probably suspected, to be infectious)

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[s] "Districtius injungendum duximus quòd rectores et vicarii, illud etiam Evangelii memoriter retinentes, quòd in novissimo examine visitatores infirmorum præmio remunerabuntur æterno, quoties fuerint accersiti, celeriter accedant et hilariter ad ægrotos."—(Stephan. in Conc. Oxon.; Lyndw., Prov., lib. i. tit. 12.) The gloss is, "non excluditur quinetiam non vocatus talis Curatus teneatur infirmos suæ parochiæ visitare."

[t] The clause concerning visitation was introduced owing to the Act 1 Jas. I., c. 31, § 7, made after the dreadful years of plague, ["The contagion of the sickness reigning in London and other places," mentioned in his Proclamation, March 5, 1604,] and enacting the most severe penalties upon the infected who did not "separate themselves from company." "Consuetudo tollit statutum abusivum." Grindal, in 1563, required an admonition to be read by ministers to the people, exhorting the whole in time of plague not to resort to "places infected, whereunto by their duty and vocation they are not bound to resort." —(Works, 271.)

(*contagiosum*), to instruct and comfort (*Salutari doctrinâ et consolatione erigat*) them in their distress (*adverso statu*), according to the order of the Communion Book, if he be no Preacher; or if he be a Preacher, then as he shall think most needful and convenient (*maximè expedire*). And, when any is passing out of this life (*morte ingruente*), a bell shall be tolled (*pulsabitur*), and the Minister shall not then slack to do his last duty. And after the party's death, if it so fall out, there shall be rung no more than one short peal[u] (*per breve tantummodò spatium utrinque pulsabitur*), and one other (*quod idem tàm ante*) before the burial, and one other after (*quàm post*) the burial[v].

Rubric.—¶ In the time of the Plague, Sweat, or such other like contagious times of sickness or diseases, when none of the Parish or neighbours can be gotten to communicate with the sick in their houses, for fear of the infection, upon special request of the diseased, the Minister may only communicate with him.

¶ When any person is sick, notice shall be given thereof to the Minister of the Parish; who, coming into the sick person's house, shall say.

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[u] "When notice is given of any Christian soul passing out of this life within the parish, doth he neglect to toll the Passing Bell, whereby good people, remembering their own mortality and all our Christian Society, may recommend their estate unto God's mercy [in their private prayers, or as the ancient Church used, accompany him in his departure, (Mountagu, Art., 1638,] with an holy intercession for them to the throne of grace; or to ring a knell presently after the departure, that notice may be taken by all to give God thanks for that party's deliverance out of this vale of misery?"—(Wren's Art., 1662, ch. 8, § 5.) Comp. Book of Ceremonies, temp. Hen. VIII.; Strype, Mem., ii. 428.

[v] The last two clauses are taken from Advertisements of 1564, Adm. of Prayer, &c.; and Interpr. of Bishops, 1559.

68. *Ministers not to refuse to Christen or Bury*[x] (*denegare vetiti.*)

No Minister shall refuse or delay (*detrectabit*) to christen[y] any child, according to the form of the Book of Common Prayer, that is brought to the Church to him upon Sundays or Holy-days to be christened, or to bury[z] any corpse that is brought (*inhumandi causâ*) to the Church or Churchyard, convenient (*notitiâ competente*) warning being given him thereof before, in such manner and form as is prescribed in the said Book of Common Prayer. And if he shall refuse to christen the one, or bury the other, (except the party deceased were denounced excommunicated *majori excommunicatione*, for some grievous and notorious (*insigne*) crime, and no man able to testify of his repentance,) he shall be suspended by the Bishop of the diocese from his ministry by the space of three months.

"Ne aliquid exigatur pro Sacramentis," (*Const. Othon.*, viii. 12; *Excerp. Ecgbr.*, c. xii.; *Elfric's Canons*, 957, c. xxvii.; *Corboyl's Canons*, 1126, c. ii.; *Richard's*

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[x] "Prohibemus ne cuiquam pro aliquâ pecuniâ denegetur sepultura vel Baptismus vel aliquod sacramentum ecclesiasticum vel etiam matrimonium contrahendum impediatur."—(Lyndw., lib. v. tit. 2, p. 278.)

[y] *Rubric.*—¶ When there are Children to be baptized, the Parents shall give knowledge thereof over night, or in the morning before the beginning of Morning Prayer, to the Curate. And then the Godfathers and Godmothers, and the people with the Children, must be ready at the Font, either immediately after the last Lesson at Morning Prayer, or else immediately after the last Lesson at Evening Prayer, as the Curate by his discretion shall appoint. And the Priest coming to the Font, (which is then to be filled with pure water)—.

[z] *Rubric.*—¶ Here is to be noted, that the Office ensuing is not to be used for any that die unbaptized, or excommunicate, or have laid violent hands upon themselves.

Canons, 1175, § 7; *Counc. Tribur.*, 895, c. 16); "qui tale quid commisisse repertus fuerit, quod (beneficium) obtinet removeatur omninò, et ab officio quod perperam gessit, perpetuò suspendatur." (Comp. *Const. Othob.*, tit. i. p. 81; *Lyndw.*, lib. v. tit. 2). For the rule with regard to Private Baptism, and the vessel wherein it is ministered, see *Lyndw.*, lib. iii. tit. 24, p. 242. "Let every priest give Baptism as soon as it is desired" (*Edgar's Canons*, 960, c. xv.; *Elfric's Can.*, 957, c. xxvi.), "to what mass-priest's district soever it belongs." (*Theod. Can.*, 994, c. xvii.) "Minor Excommunicatio excludit à perceptione Sacramentorum, Major à Communione Fidelium." (*Lyndw.*, lib. iii. tit. 1.)

69. *Ministers not to defer Christening, if the Child be in danger* (*in articulo necessitatis*).

If any Minister, being duly, without any manner of collusion (*citra fraudem*), informed (*commonefactus*) of the weakness and danger of death of any infant unbaptized in his parish, and thereupon desired to go or come to the place where the said infant remaineth (*existet*), to baptize the same, shall either wilfully (*planè*) refuse so to do, or of purpose (*per contumaciam*), or of gross (*latam*) negligence, shall so defer the time, as, when he might conveniently (*tempestivè*) have resorted to the place, and have baptized the said infant, it dieth, through such his default, unbaptized; the said Minister shall be suspended for three months; and before his restitution (*absolutionis gratiam consequetur*) shall acknowledge his fault, and promise before his Ordinary, that he will not wittingly incur the like again (*scienter nequaquàm peccaturum*). Provided, that where there is a Curate, or a Substitute, this Constitution shall not extend to the Parson or Vicar himself, but to the Curate or Substitute[a] (*illic*) present.

Rubric.—¶ And also they shall warn them, that without like great cause and necessity they procure not their Children to be baptized at home in their houses. But when need shall compel them so to do, then Baptism shall be administered on this fashion:

¶ First, let the Minister of the Parish (or, in his absence, any other lawful Minister that can be procured). . . . (Comp. *Cardw. Conf.*, 205.)

70. *Ministers to keep a register of Christenings, Weddings, and Burials.*

In every Parish Church and Chapel within this realm, shall be provided one parchment book at the charge of the parish (*parochianorum*), wherein shall be written the day and year of every Christening, Wedding, and Burial, which have been in that parish since the time that the law was first made in that behalf, so far as the ancient books (*veterum registrorum copia*) thereof can be procured, but especially since the beginning of the reign of the late Queen. And for the safe keeping of the said book, the Churchwardens, at the charge of the parish, shall provide one sure (*crassam et firmam*) coffer, with three locks and keys; whereof the one to remain with the Minister, and the other two with the Churchwardens, severally; so that neither the Minister without the two Churchwardens, nor the

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[a] The substitute or Curate was called "presbyter sive Capellanus stipendiarius."—(Lyndw., lib. ii. tit. 5, p. 111.) The law of Curates is in Act 28 & 29 Vict., c. 122.

Churchwardens without the Minister (*separatim*), shall at any time take that book out of the said coffer. And henceforth, upon every Sabbath-day (*Diebus Dominicis*), immediately after Morning or Evening Prayer, the Minister and Churchwardens shall take the said parchment book out of the said coffer, and the Minister, in the presence of the Churchwardens, shall write and record in the said book the names of all persons christened, together with the names and surnames of their parents, and also the names of all persons married and buried in that parish in the week before, and the day and year of every such Christening, Marriage, and Burial; and that done, they shall lay up that book in the coffer, as before, and the Minister and Churchwardens unto every page of that book, when it shall be filled with such inscriptions, shall subscribe their names. And the Churchwardens shall, once every year, within one month after the five-and-twentieth day of March (*B. V. Annunciationem*), transmit unto the Bishop of the diocese, or his Chancellor, a true copy of the names of all persons christened, married, or buried in their parish in the year before, ended the said five-and-twentieth day of March, and the certain (*sigillatim adscriptis*) days and months in which every such Christening, Marriage, and Burial was had, to be subscribed with the hands of the said Minister, and Churchwardens, to the end the same may faithfully be preserved in the Registry of the said Bishop; which (*registrum sive*) certificate shall be received without fee. And if the Minister or Churchwardens shall be negligent (*remissiores*) in the performance of any thing herein contained, it shall be lawful (*licebit*) for the Bishop or his Chancellor to convent (*convenire*) them, and proceed against every of them as contemners of this our Constitution [b].

A Register was first required by Cromwell's Injunctions in 1538, and is enforced by 52 Geo. III., ch. 146.

71. *Ministers not to preach, or administer the Communion, in private houses* (*Cœnæ Dominicæ publicam religionem invehere*).

No Minister shall preach, or administer the holy Communion (*Sacramenta*), in any private house, except it be in times of necessity, when any being either so impotent as he cannot go to the Church, or very dangerously sick (*morbo gravi et periculoso conflictatus*), are desirous to be partakers of that holy (*Sacrosancti*) Sacrament, upon pain of suspension for the first offence (*delicto*), and excommunication for the second. Provided, that houses are here reputed for private houses, wherein are no Chapels dedicated (*consecrata*) and allowed by the Ecclesiastical Laws of this realm. And provided also, under the pains before expressed, that no Chaplains do preach or administer the (*Sacram*) Communion in any other places, but in the Chapels of the said houses; and that also they do the same very seldom upon Sundays and Holy-days; so that both the lords and masters of the said houses, and their families, shall at other times resort to their own Parish Churches, and there receive the Holy Communion at the least once every year.

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[b] Founded on the Constitutions of 1597; the Injunctions of 1547, § 30; those of 1559, § 10. "Sabbath-day" in the Latin Version is rendered correctly "Diebus Dominicis." For Marriage Registers, see 6 & 7 Will. IV., ch. 86, and 1 Vict., ch. 22.

"Decernimus quemcunque in Oratoriis capellis aut domibus non consecratis seu in loco minimè dedicato seu delibato Missarum solemnia, diœcesani non obtentâ licentiâ, contra Canonum prohibitionem, de cætero celebrantem, suspensionem a Divinorum celebratione per mensem incurrere ipso facto. Licentiam autem ab episcopis nostris provinciæ Missas in locis hujusmodi non consecratis concessam celebrandi, et in posterum concedendam personis aliis quàm magnatibus sive nobilibus moram facientibus in locis ab ecclesiis parochialibus notabiter distantibus, aut notoriè debilibus vel infirmis irritam decernimus et inanem." (*Lyndw.*, lib. iii. tit. 23, p. 234; comp. *Reformatio Leg. Eccles.*, c. xv.)

The following ecclesiastical buildings are included under the name of Chapel: "Capella (1) habens jura et insignia parochialia, ipsa Ecclesia dicitur," (*Lyndw.*, lib. ii. tit. 1, p. 81); (2) dignitatem habens (tit. 15, p. 70); (3) quæ dicitur quandoque Capella licèt sit dedicata, ad differentiam ecclesiæ majoris à quâ dependet." See p. 71.

A private Chapel is an Oratory, as in the Act of Uniformity of Elizabeth. "Oratorium non est ædificatum ad missam dicendam nec dotatum, sed ordinatum ad orandum. Sine licentiâ episcopi non potest ibi celebrari, sed hanc licentiam non concedet in majoribus festivitatibus. Quandoque construuntur ex necessitate cùm ibi non sit ecclesia vicina, et tunc debet permittere episcopus ut ibi celebretur et non aliter." (*Lyndw.*, lib. iii. tit. 23, p. 233.) "In privatis domibus Communio non celebrabitur." (*Reformatio Leg. Eccles.*, c. xiii., xiv.) "In Sacellis Sacra non sunt tractanda. Ne Rector Vicarius aut parochus uspiam inserviat vel in capellâ vel in oratorio aut publicas Preces dicat in cujusque privatis ædibus nisi episcopus illi autographo suo et manus suæ subscriptione rei potestatem fecerit. Neve Rector nec Vicarius aut parochus inserviat plusquàm uni Ecclesiæ vel Capellæ uno die." (*Const.* of 1571.) "Unicuique fidelium licitum est in domo suâ Oratorium habere non sacrum propriâ authoritate; missas autem ibidem celebrare non sic licet, nisi in casu necessitatis (infirmitatis) absque licentia et consensu episcopi, et hoc absque præjudicio matricis sive parochialis." (*Const. Othon.*, p. 6.) Inj. 1547, "any oratory, chapel, or any man's house not being hallowed." Harsnet speaks of a "Church, Chapel, or Oratory." (1620, tit. ii. § 2.) "The Holy Oblation shall not be made in private houses by Bishops or Priests." (*Counc. Laod.*, c. lviii.; *Excerp. Ecbgr.*, c. lii.; *Elfric's Canons*, 957, c. xxv.; *Theod. Cap.*, 994, c. xi.)

In the Communion of the Sick the rubric requires "a convenient place in the sick man's house, with all things necessary so prepared, that the Curate may reverently minister." In 1549 reservation was permitted at the "Open Communion;" but if there was no celebration in Church the Curate was to visit the sick "afore noon," and then "reverently celebrate." Instances of consecration in a private house are rare and exceptional; but are mentioned by St. Cyprian, (*Ep.* v.); St. Gregory Nazianzen, (*Orat.* xi.; xix. § 11); *Philost. Hist. Eccles.*, lib. ii. c. 3; St. Paulinus and St. Ambrose also celebrated in private houses, (*Vita S. Paul. ap. Surium*, Junii xxii., and *Vita Ambros. Opera*, tom. ii. App. p. iii.) The present rubric says, "If any remain of the Bread and Wine which was consecrated, it shall not be carried out of the Church."

72. *Ministers not to appoint public or private Fasts or Prophecies*[c], *or to Exorcise*[d], *but by Authority.* (*Publica jejunia, prophetios appellatus et exorcismo: privato ausu celebrare prohibiti.*)

No Minister or Ministers shall, without the licence and direction (*mandatum*) of the Bishop of the diocese first obtained and had under his hand and seal, appoint or keep any solemn Fasts, either publicly or in any private houses, other than such as by law are, or by public authority shall be appointed, nor shall be wittingly present at any of them, under pain of suspension for the first fault, of excommunication for the second, and of deposition from the ministry for the third. Neither shall any Minister, not licensed[e], as is aforesaid, presume to appoint or hold any meetings (*conventus*) for Sermons, commonly termed by some

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[c] Prophesyings (in allusion to 1 Cor. xiv.) were exercises in writing and speaking upon a given text, in a meeting of preachers for their common improvement. The Private Fasts were forbidden by the Queen's Letter, 1574. Sandys says, "General fastings all the day and praying is a good exercise in time, and upon just occasion, when it cometh upon good authority."—(Desid. Cur., i. b. 3, p. 29.) See also Lord Bacon, (Spedding, iii. 120.)

[d] "Exorcismi increpationes et conjurationes adversùs diabolum ut recedat à baptizando."—(Lyndw., lib. iii. tit. 24, p. 244.) The "Fuga Satanæ Exorcismus" was printed in 1605; see a curious paper in "Gent. Mag.," 1814, (i. 217.) Possession was indwelling; obsession, external tormenting; Dr. Jorden, in 1603, alludes to both kinds, and dispossession through prayers and supplications, warily adding, that "the examples be very rare, and the impostures many."—(Brande's Antiq., ii. 427.)

[e] "Debet fieri prædicatio non in privatis domibus. Nullus sæcularis ad prædicandum verbum Dei à jure scripto minimè auctorizatus, privilegiove speciali munitus, officium sive exercitium prædicationis ejusdem verbi Dei in se assumat, populove aut clero quovismodo prædicet in sermone vulgari in ecclesiâ aut extra, nisi primò Diœcesano hujus loci in quo prædicare sic nititur, se præsentet, et examinationem subeat."—(Lyndw., lib. v. tit. 5.)

Prophecies or Exercises, in market-towns, or other places, under the said pains: nor, without such licence, to attempt upon any pretence (*prætextu*) whatsoever, either of possession or obsession, by fasting and prayer, to cast out any Devil or Devils, under pain of the imputation of imposture or cosenage (*imposturæ imputandæ*), and deposition from the ministry.

73. *Ministers not to hold* (*conciliare*) *private Conventicles.*

Forasmuch as all Conventicles, and secret Meetings (*clandestina conciliabula*) of Priests and Ministers, have been ever justly accounted very hurtful to the state (*incolumitati perniciosa*) of the Church wherein they live; we do now ordain and constitute, That no Priests, or Ministers of the Word of God, or any other persons, shall meet together (*seorsim*) in any private house, or elsewhere, to consult upon any matter or course (*ratione*) to be taken by them, or upon their motion or direction by any other, which may any way tend to the impeaching or depraving (*præjudicium aut degradationem ullatenus*) of the doctrine of (*stabilitæ*) the Church of England or of the Book of Common Prayer, or of any part of the government and discipline now established in the Church of England [f], under pain of excommunication *ipso facto*.

74. *Decency in Apparel* (*in vestitu gravitas*) *enjoined to Ministers.*

The true, ancient, and flourishing Churches of Christ, being ever desirous that their Prelacy and Clergy might be had as well in outward reverence, as otherwise (*quàm internâ reverentiâ*) regarded for the worthiness (*propter dignitatem*) of their ministry, did think it fit, by a (*certa et*) prescript form of decent and comely (*congrui et decentis*) apparel (*in omnibus locis et conventibus tàm intra quàm extra ecclesiam*), to have them known to the people, and thereby to receive the honour and estimation due to the special Messengers and Ministers of Almighty God. We, therefore, following their grave (*venerandum*) judgment, and the ancient custom of the Church of England, and hoping that in time newfangleness (*affectata novitas*) of apparel in some factious persons will die of itself, do constitute and appoint, That the Archbishops and Bishops shall not intermit to use the accustomed apparel of their degrees. Likewise all Deans, Masters of Colleges, Archdeacons, and Prebendaries, in Cathedral and Collegiate Churches (being Priests or Deacons), Doctors in Divinity, Law (*jure civili*), and Physic, Bachelors in Divinity, Masters of Arts, and Bachelors of Law, having any Ecclesiastical Living (*beneficium*), shall usually wear Gowns with standing Collars and Sleeves strait at the hands, or wide Sleeves (*manicisque ad manum contractioribus vel laxarioribus*), as is used in the Universities, with Hoods and Tippets (*caputiis vel liripipiis*) of silk or sarcenet, and square Caps. And that all other Ministers admitted or to be admitted into that function shall also usually wear the like apparel as is aforesaid, except Tippets (*liripipiis*) only. We do further in like manner ordain, That all the said Ecclesiastical Persons above mentioned shall usually wear in their journeys Cloaks (*pallia*) with sleeves, commonly called Priests' Cloaks, without guards, welts, long buttons, (*fimbriis, limbis, fibulis oblongis*), or cuts (*aut scissuris*). And no Ecclesiastical Person shall wear any Coif or wrought Night-cap (*pileolo lineo acupicto*), but only plain Night-caps of black silk, satin, or velvet (*tramoserico aut holoserico*). In all which particulars concerning the apparel here prescribed, our meaning is not to attribute any holiness (*sanctimoniam*) or special worthiness (*præcipuam dignitatem*) to the said garments, but for decency (*decorum*), gravity, and order, as is before specified. In private houses, and in their studies (*musæis*), the said Persons Ecclesiastical may use any comely (*decentis*) and scholar-like apparel, provided that it be not cut or pinkt (*puncturis variegati*); and that in public they go not in their Doublet and Hose, without Coats or Cassocks[g] (*vestibus promissis*); and that they wear not any light-coloured Stockings[h] (*tibialia colorata*). Likewise poor (*tenuioribus*) beneficed men and Curates (not being able to provide themselves long (*talarium*) Gowns) may go in short Gowns of the fashion aforesaid[i].

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[f] This clause is omitted in the Latin Version.

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[g] Bishop Harris, of Llandaff, 1729—38, "had been abroad, when he had seen the foreign Bishops have their Cassocks done up before with an infinite number of little Buttons, contrary to the practice of the English Clergy, who wear none, but have their Cassock double before, and so laps over on either side: he introduced the fashion. But it went no further."—(Add. MS., 5829, fo. 26 b.) The square cap had loose, unstiffened corners, with a short tuft on the top. "Cassock," in the time of Henry VIII., replaced the old name of "subtanea," or "vestis talaris."

[h] For these ridiculous hose, see Planché, Brit. Cost., 341, 328, 339.

[i] Founded on Act of Convocation, 1557, de Vestibus; Articles of 1584, § iv.; Royal Injunc., 1584, § 30; the Advertisements of 1564; and the Roy. Inj. of 1559, § 30; but the word "churches" takes the place of "her majesty." These laws of clerical habit are, except in their principle, which remains, merely of antiquarian interest, with one special reservation, that the Injunctions of Elizabeth recognise a rule which was overridden by the Ornaments Rubric of 1662, a fact hitherto wholly overlooked.

"De consuetudine habituum Clericos decentium." (See *Lyndw.*, lib. i. tit. 3, p. 17; lib. iii. tit. 1, pp. 119, 123.) The licensed preachers were to use "veste quam maximè modestâ et gravi quæ deceat atque ornet ministrum Dei qualisque in libello Admonitionum (Advertisements of 1564) descripta est." (*Canons* of 1571.) This was the surplice, in distinction to their common apparel abroad. (*Cardw. Doc. Ann.*, 326, 329.)

Rubric.—And here is to be noted, that such Ornaments of the Church, and of the Ministers thereof, at all Times of their Ministration, shall be retained, and be in use, as were in this Church of England, by the Authority of Parliament, in the Second Year of the Reign of King Edward the Sixth.

"Clericus professionem suam et in vestibus et in incessu probet." (*Counc. Carthage*, 436, c. xlv.) Decent apparel in ministers is required by the Council of Agde, 506, c. xx.; and IV. Lateran, 1215, c. xvi.; *Lyndw.*, 16, 120, 222, App., 36, 87; see also 24 Hen. VIII., c. 13.

75. *Sober Conversation* (*vitæ sobrietas*) *required* (*præcepta*) *in Ministers.*

No Ecclesiastical Person (*Ministri*) shall at any time, other than for their honest (*congruas*) necessities, resort (*frequentabunt*) to any taverns or alehouses (*œnopolia*

"All archbishops, bishops, and all other that be called or admitted to preaching or ministry of the Sacraments, or that be admitted into vocation ecclesiastical, shall use and wear such comely and seemly habits, garments, and such square caps as were most commonly and orderly received in the *latter year* of King Edward VI. . . . as St. Paul saith, 'Omnia decenter et secundùm ordinem fiant.'"

aut cauponas), neither shall they board or lodge in any such places (*cibum capient aut bibent*). Furthermore, they shall not give themselves to any base or servile (*illiberali*) labour, or to drinking or riot (*crapulæ*), spending their time idly by day or by night, playing at dice, cards, or tables (*tesseris*), or any other unlawful games: but at all times convenient (*opportunis*) they shall hear or read somewhat of the holy Scriptures, or shall occupy themselves with some other honest (*laudabili*) study or exercise, always doing the things which shall appertain to honesty (*probitatem*), and endeavouring to profit the Church of God; having always in mind, that they ought to excel all others in purity of life, and should be examples to the people to live well and Christianly (*piè*), under pain of Ecclesiastical censures (*sanctionum*), to be inflicted with severity, according to the qualities of their offences [j].

Article XXVI. *Of the Unworthiness of the Ministers.*

It appertaineth to the discipline of the Church, that enquiry be made of evil Ministers, and that they be accused by those that have knowledge of their offences; and finally being found guilty, by just judgment be deposed.

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[j] Founded on Inj. of 1547, § 8; and 1559, § vii. The Constitution of 1571 directs unmarried clergy to board "in honestâ aliquâ domo in eâdem parochiâ ubi sine suspicione possint vivere;" and permits them to use archery, "animi causâ, et modestè et in tempore." "A crapula et ebrietate et aliis quæ honestatem eorum deformant omnes omninò Clerici abstineant. Deformatur honestas cùm clericus se immiscet negotiis sæcularibus, item tabernas ingrediendo nisi tempore itineris, item ad aleas et taxillos ludendo."—(Lyndw., lib. iii. tit. i. p. 119. See also an admirable note, lib. i. tit. 9, p. 48; Ecgbright's Excerp., § 18; Council of Tours, 813, c. 7. 21; and in England those of 1195, c. xviii.; 1175, c. x., and 1200, c. 10.

The additions are "haunt or resort;" "neither . . . places" to "any . . . labour;" "under pain" . . . to the end. Formerly the words were "Commonwealth," for "Church of God," and "as they shall have leisure," for "conveniently."

"Let no priest be a hunter, or hawker, or player at dice, but apply to his books." (*Edgar's Canons*, 960, c. lxiv.) "If any clerk be found eating in a tavern let him be excommunicated, except for his necessary entertainment on a journey." (*Apost. Const.*, lv., ed. Beveridge; *Elfric's Canons,* xxx.; *Theod. Cap.*, 994, c. xiii.; 3 *Carthage,* 398, c. xxvii.; *Westm.*, 1175, § 2; *Lyndw.*, p. 119.) "Clericis qui in præclaram Christi hæreditatem assumpti sunt usus armorum Divini et humani juris auctoritate est omninò prohibitus." (*Const. Othob.*, tit. iv. p. 85; *Apost. Canons*, lxxxiii., ed. Beveridge; *Excerp. Ecgbr.*, 740, c. cliv.; *Counc. Meaux*, 845, c. xxxvii.; *Richard's Canons*, 1175, c. xi.) "Ne clerici jurisdictionem sæcularem exerceant." (*Ibid.*, tit. vi. p. 88; "Public administrations," *Ap. Const.*, lxxxi.; "Secular cares," *Ib.*, vi.; "Worldly ministrations," *Chalcedon*, c. iv.) "Ne clerici advocati sint in causis sæcularibus, nec judices, nec assessores." (*Ib.*, tit. vii. p. 91.) "Let no priest be a trader or merchant, nor engage in secular controversies, nor wear arms, nor plead causes, nor drink at taverns." (*Elfric's Canons*, 957, c. 30; *Richard's Canons*, 1175, c. x.; comp. *Laod.*, c. v.) "Whether your Minister ordereth the course of his life answerable to his vocation, or useth buying and selling, or trading, or to hedge, ditch, or go to plough, or hath solicited other men's suites for gains, or imployed himself about other such businesse not beseeming or fitting his callling?" (*Bp. King*, 1612, § 34.) Wren mentions, "bodily labour, mechanical trades, common buying and selling of horses or other cattle." (1636, *Art.*, ch. iv. § 38; comp. *Mountagu*, 1638, tit. iv. § 9.)

76. *Ministers at no time*[k] *to forsake (resilire interdictum) their Calling.*

No man being admitted a (*in ordinem*) Deacon or Minister shall from thenceforth voluntarily relinquish the same, nor afterward use himself in the course (*instituto*) of his life as a layman, upon pain of excommunication[l]. And the names of all such men, so forsaking (*abjicient*) their calling, the Churchwardens of the parish where they dwell shall present to the Bishop of the diocese, or to the Ordinary of the place, having episcopal jurisdiction.

SCHOOLMASTERS.

77. *None to teach School without Licence*[m]. (*Publicè vel privatim injussu ordinarii docere prohibitum de pædagogis sive ludimagistris.*)

No man shall teach either in public school, or private house, but such as shall be allowed by the Bishop of the diocese, or Ordinary of the place, under his hand and seal, being found meet as well for his learning and dexterity (*dexteram facultatem*) in teaching, as for sober and honest conversation (*morum gravitatem et integritatem*), and also for right understanding of God's true (*sinceræ*) religion; and also except he shall first subscribe to the first and third Articles afore-mentioned simply, and to the two first clauses of the second Article[n].

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[k] "The Holy and Great Synod decrees that no man henceforth, be he Bishop or clerk, shall farm estate or office, or involve himself in secular business; but if any one shall attempt to transgress these decrees for the time to come, let such an one be liable to the censures of the Church."—(Council of Chalcedon, c. iii.) "We decree that any who have been once ordered among the clergy, must not betake themselves to the army, or any secular honour, and that such as do so, and do not repent so as to return to that state which they at first chose for God's sake, are to be anathematized."—(Ibid., c. vii.)

[l] The Clergy Disabilities Act of 1870 allows clergy to repudiate their vows and return to lay life; (33 & 34 Vict., c. 91,) a change from the "semel receptus" of the Constitutions of 1571.

[m] See 9 & 10 Vict., c. 59, and 3 & 4 Vict., c. 77, § 7, 15, 24.

78. *Curates desirous* (*habiles*) *to teach to be licensed* (*præferendi*) *before others.*

In what Parish Church or Chapel soever there is a Curate, which is a Master of Arts, or Bachelor of Arts, or is otherwise well able to teach youth, and will willingly so do, for the better increase of his living (*victûs*), and training up of children in principles of true religion; we will and ordain, That a licence to teach youth of the parish where he serveth be granted to none by the Ordinary of that place, but only to the said Curate. Provided always, that this Constitution shall not extend to any Parish or Chapel in country towns, where there is a public school founded already; in which case we think it not meet to allow any to teach grammar, but only him that is allowed for the said public school.

79. *The Duty* (*officia*) *of Schoolmasters.*

All Schoolmasters shall teach in English or Latin, as the children are able to bear, the larger or shorter

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[n] An English version of the Canon of 1571, except that the testimonial of godly men was no longer required, and the last clause is new. "Aforementioned," that is, in Canon XXXVI.

Catechism heretofore by public authority set forth (*Latinè aut Anglicè pro captu puerorum*). And as often as any Sermon shall be upon holy and festival days within the parish where they teach, they shall bring their scholars to the Church where such Sermon shall be made, and there see them quietly and soberly (*modestè*) behave themselves; and shall examine them at times convenient, after their return, what they have borne away of such Sermon. Upon other days, and at other times, they shall train them up with such sentences of holy Scripture, as shall be most expedient to induce them to all godliness; and they shall teach the grammar set forth by King Henry the Eighth, and continued in the times of King Edward the Sixth, and Queen Elizabeth of noble memory, and none other. And if any Schoolmaster being licensed, and having subscribed as aforesaid, shall offend in any of the premises, or either speak, write, or teach against any thing whereunto he hath formerly subscribed, (if upon admonition by the Ordinary he do not amend and reform himself,) let him be suspended from teaching school any longer[o].

THINGS APPERTAINING TO CHURCHES.

De ecclesiis et rebus ecclesiasticis.

"Habeant Archidiaconi in scriptis redacta omnia ornamenta (sic dicta quia eorum cultu ecclesiæ ornantur et decorantur) et utensilia (vasa ecclesiæ quæcunque) ecclesiarum, vestes quoque et libros, quæ singulis annis suo faciant conspectui præsentari, ut videant quæ fuerunt adjecta per diligentiam personarum, vel quæ tempore intermedio per ipsarum malitiam vel imperitiam deperierunt." (*Lyndw.*, lib. i. tit. 10, p. 50.) Among articles (vestments, etc.) not here mentioned, "Parochiani invenire teneantur calicem, capam in choro, extra tempus Missæ" (*Lyndw.*, lib. iii. tit. 27), "frontale ad magnum altare cum tribus tuellis [a carpet for the Holy Table, and a fair linen cloth], tria superpellicea [one surplice], campanas cum chordis (*Canon* lxxxviii., cxi.), feretrum pro defunctis," etc. (*Lyndw.*, lib. iii. tit. 27, p. 251) ; but they are implied by other Canons for summoning to service, burying the dead, and ministration of Holy Communion, &c. No organ or musical instrument is mentioned. A compulsory church-rate is illegal (31 and 32 Vict., c. 109, § 1). It was enforced, hitherto, according to the rule in *Lyndw.*, lib. iii. tit. 8, p. 254.

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[o] An amplification of the Canon of 1571 in some respects, as in the infliction of penalties, and the training in Scripture. The provision of presenting the best scholars yearly to the bishop is omitted. The godly training is insisted on in Lyndw., lib. i. tit. 4, p. 284.

80. *The great Bible and Book of Common Prayer*[p] (*Libri sacri*), *to be had* (*parandi*) *in every Church* (*ecclesiis*).

The Churchwardens or Questmen of every Church and Chapel shall, at the charge of the parish, provide the Book of Common Prayer, lately explained in some few points by his Majesty's authority, according to the laws, and his Highness's prerogative in that behalf, and that with all convenient speed (*quantum commodè, maturè et celeriter*), but at the furthest within two months after the publishing of these our Constitutions. And if any parishes be yet unfurnished of the Bible of the largest volume, or of the Books of Homilies allowed by authority, the said Churchwardens shall within convenient time provide (*co-emantur*) the same at the like charge of the parish.

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[p] "Æditui curabunt ut Sacra Biblia in amplissimo volumine, ut Liber Precum Publicarum ut Sacræ Homiliæ sint in singulis Ecclesiis."—(Canons, 1571.) The heading is "Æditui et alii selecti viri." The Bishops' Bible (1587, Doc. Ann., n. cv.) "Lately," that is, in the Hampton Court Conference, (Cardw. Conf., 224.)

81. *A Font of Stone for Baptism in every Church.* (*Baptisteria in ecclesiis paranda.*)

According to a former Constitution[q], too much neglected in many places (*quibusdam partibus*), we appoint, that there shall be a Font of stone in every Church and Chapel where Baptism is to be ministered; the same to be set in the ancient usual places (*loco antiquitùs usitato*); in which only Font[r] the Minister (*quo duntaxàt ministris licebit infantes*) shall baptize publicly.

"Baptisterium habeatur in quâlibet Ecclesiâ Baptismali lapideum vel aliud competens quod decenter cooperiatur et reverenter observetur." (*Lyndw.*, lib. iii. tit. 24, p. 241); "gl. o. quòd baptizandus possit in eo mergi."

"Fontes baptismales sub serâ clausi teneantur." (*Lyndw.*, lib. iii. tit. 25, p. 247.)

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[q] "Curabunt æditui ut in singulis ecclesiis sit sacer Fons (non pelvis) in quo Baptismus ministretur, isque ut decenter et mundè conservetur."—(Canons, 1571.)

[r] In the Scottish Canons of 1636, ch. xvi. § 2, the font was to be provided with "a cloth of fine linen, which shall be kept to that use allanerly" [only]; and in English Visitation Articles about that date it was required to have its bowl pierced.

"What Font have you, where placed, whether towards the entrance of the church or no?" (*Duppa's Art.*, 1638, § 2.) "Is there a Font of stone, with a good cover thereunto, standing in a convenient place towards the lower part of the church, at or near the nether end, in such manner as anciently and usually fonts have stood?" (*Wren's Art.*, 1662.)

The Prayer-book of 1549 enjoins Baptism "at the church-door." "The Font usually stands as it did in Primitive times, at or near the church door, to signify that Baptism was the entrance into the Church Mystical." (Ans. of Bishops, 1662; *Cardw. Conf.*, 355.)

82. *A decent Communion-Table*[s] *in every Church.* (*Mensæ in Sacræ Cœnæ usum in Ecclesiis parandæ.*)

Whereas we have no doubt, but that in all Churches within the realm of England, convenient and decent

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[s] Altar and table are synonymous: Mal. i. 7; 1 Cor. x. 21; St. Luke xxii. 30; Heb. xiii. 10; Ezek. xli. 22; St. Cypr., Ep. lxii. ad Cæcil.; St. Aug., sermo ccxxxii.; St. Hilary, tract. in Ps. cxxvii. § 10. Wooden altars are mentioned by St. Aug., Ep. l. ad Bonif., p. 84; Optatus, lib. iv. p. 94, 5; St. Athan. ad Solitar., tom. i. p. 847. See my Sacred Archæology, s. v. "Sacerdos Deum diligere non probatur qui in Mensâ Altaris . . . irreligiosus apparuerit."—(Cautelæ Missæ, Maskell, Anc. Liturg., p. 168.) "Domus Dei per mysterium dedicationis invisibile fit Templum Domini, ut in eâ sit Mensa in quâ Panis Vivus, qui de cœlo descendit manducatur."—(Const. Othob., tit. iii. p. 83.) The use of the term, "the Lord's Supper," is illustrated by the old name of Maundy Thursday "in Cœnâ Domini." It is described as "a comely and decent Table" (*mensa*), "standing on a frame" (*tabula*), in the Visitation Articles of Bishops Bridges and Chaderton, 1604, and Grindal, 1576, (Doc. Ann., i. 397); Mountagu (1638) asks, "Is your Communion Table or Altar of stone, wainscot, joiner's wood, strong, fair and decent?"—(tit. iii. §. 7.) "Is it set according to the practice of the ancient Church?" &c. —(Duppa's Art., 1638, § 16.) "Doth it ordinarily stand up at the east end of the chancel where the altar in former times stood, the ends thereof being placed north and south?"—

Tables (*Mensis*) are provided and placed for the celebration of the Holy Communion, we appoint, that

(Bp. Wren's Art., 1636, ch. 3, § 2.) "We sometimes call the Lord's Table an altar; and dispose of it altar-wise."—(Mountagu, Art., 1638, tit. 7, § 12.) "The situation of the Holy Table doth not imply that it is or ought to be esteemed a true and proper Altar whereon Christ is again really sacrificed, but it is and may be called an Altar by us in that sense in which the Primitive Church called it an altar, and no other."—(Canons (vii.) of 1640.) K. Edward's Letter, 1550: "A Table, where the Holy Communion is distributed, with lauds and thanksgiving unto the Lord; an Altar, for there is offered the same sacrifice of praise and thanksgiving."—(Ridley's Works, 321.) "The Lord's Board after the form of an honest table decently covered, in such place of the quire or chancel, so that the ministers with the communicants may have their place separated from the rest of the people."—(Ridley's Visit. Art., 1550; Doc. Ann., i. 95.) "Break the Bread before the people," added in 1662, means "facie ecclesiæ, conspectu populi congregati in ecclesiâ."—(Lyndw., 271); or, "ut possit à populo videri (p. 331, Sarum, Bangor, Mozarabic Uses) "coram" means "sic quòd auscultant et benè intelligant."—(p. 203.) "In the presence of the congregation."—(Rubric of Confirmation.) "Turning still to the altar without any shewing to the people."—(Rubric, 1549.) These words were designed to satisfy the exception that "the manner of the Consecrating of the Elements was not explicit and distinct enough, and the Minister's Breaking of the Bread was not so much as mentioned."—(Cardw. Conf., 321; comp. Rit. Comm. Rep., 426.) "He stood before the altar in the presence of all the congregation and spread forth his hands."—(1 Kings viii. 22.) In 1640 exception was made to the "minister's turning his back to the west and his face to the east when he prouounceth the Creed or reads prayers."—(Cardw. Conf., 272.) In 1562 a recommendation was made and lost, that he "in common prayer should turn his face towards the people;" at the same time it was proposed to abrogate Saints' days, to remove organs, to omit kneeling at Holy Communion and the cross at Baptism; and also to "take away the use of vestments, copes and surplices."—(Ib., 118; Synod., 498.) The bishops in 1661 ruled that when "the minister speaks to the people as in lessons, absolution, and benediction, it is convenient that he turn to them; when he speaks for them to God it is fit that they should all turn another way, as the ancient Church ever did."—(Conf., 352; see for this turning to the east St. Aug. de Serm. Dom. in monte, lib. ii. c. v.; Tertullian, Apol., c. xvi.; cont. Valentin., c. iii.; Clem. Alex. Strom., vii. p. 856; St. Greg. Nyss., Hom. v. de Orat. Dom., i. 755; St. Basil de Spir. S., c. xxvii.; St. Chrys. in Dan. vi. 10; comp. Othob., p. 83.) It is important to point out the true meaning of the position of the Lord's Table and the priest. The rubric of 1549 describes the

the same Tables[t] shall from time to time be kept and repaired in sufficient and seemly manner (*convenienter*

priest "standing humbly afore the midst of the altar," that is eastward: in 1552 he is "standing at the north side of the table," that is, southward.—(Notes in Harl. MS., 3711; Andrewes' Min. Works, v. 150.) In Elizabeth's reign the Lord's Table was placed both altar-wise and table-wise.—(Doc. Ann., i. 234, 238; 1565, Mem. of Camb., ii. 24.) In 1634 we find a bishop "standing with his face to the Table, about the midst of it," saying the prayer of Consecration, (Lamb. MS., 577); and during the previous part of the service the priest at "the north end." In the rubric of 1662 both positions (lengthwise) "the north side," and (against the east wall) "before the Table," ("emprosthen tes hagias trapezes," Lit. of St. Chrysostom,) are comprehended. In both cases the middle or front was meant. In the Rubric of marriage, "before [*ante*] the Table" again occurs, meaning in front of. The following passages shew beyond a doubt that this is the true reconciliation of the conflicting directions:—"The Presbyter standing at the north side or end;" and again, "the Presbyter which consecrates shall stand in the midst before the altar, that he may with the more ease and decency use both his hands, which he cannot so conveniently do standing at the north side of it."—(Laud's MS. Notes; Lamb. MS., 1020; comp. Lev. i. 11; Exod. xl. 22. "Then shall the bishop ascend to the Table of the Lord, and there kneel down before it, his chaplains following him, and placing themselves at each end of the Table, where he that is at the north shall begin the Communion Service," [Forms of Consecr., seventeenth century, Harl. MS., 3795, fo. 43 b.]; just as Andrewes used the terms "before the midst of the altar," and "on each side of the altar."—(v. 161.)

This point receives further illustration from the two-fold position of the lights. When there were two, they were set on the altar [*insuper altari.*]—(Wilkins, ii. 132; Consuet. Osmundi, Sarum; MS. Stat., Chichester; Wells, Harl. MS., 1682, fo. 5); at the western horns, as in the bas-relief on the great gates of St. Peter's at Rome.—(Marriott, Vestiar. Chr., pl. lii.; No. 566 (c. 1360) in the National Gallery; and a miniature with two lights in Add. MS., Brit. Mus., 1699, fo. 145); so Durand says: "In cornibus altaris duo sunt candelabra; constituta ad significandum gaudium duorum populorum de Christi Nativitate lætantium."—(Lib. i. c. xiii.; see also Lyndw., 236; "duæ candelæ, duo cerei," 253). "Cereum in medio stantem diximus significare Christum."—(Amal. de Eccles. Off., lib. iii. c. 7.) "They shall suffer from henceforth but only Two Lights upon the high altar before the Sacrament, for the signification that Christ is the very true Light of the world."—(Inj., 1547, § 3; see Golden Legend, fo. ccxii.; Lyndw., App. 7.) The "Fardle of Facyons," 1555, says: "Aulters to be orderly, at eche ende a candelsticke." Cranmer's Visitation Articles omit "before *et decore*), and covered (*operiantur*), in time of Divine Service, with a carpet[u] of silk or other decent stuff (*materiâ congruâ et decorâ*), thought meet by the Ordinary of the place, if any question be made of it, and with a fair (*mundo*) linen cloth (*vestiantur*) at the time of the Ministration, as becometh that Table, and so (*suo certo loco*) stand, saving when the said Holy Communion is to be administered: at which time the same shall be placed[x] in so good sort within the

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the Sacrament." The Lincoln Statutes mention, "cereum super cornu altaris, versus aquilonem," [the north side.]—(Nov. Reg., 26.) The single light placed in this position is mentioned elsewhere.—(Monast., vi. 500; Wilkins, i. 595; Lyndw., 236; Becon, Displaying, iii. 282, 257.) The English Church simply preserved an ancient tradition, and the Greek Liturgy of St. Chrysostom employs the term "to boreion meros."

[t] "Curabunt æditui Mensam ex asseribus compositè junctam, quæ Administrationi Sacrosanctæ Communionis inserviat; et mundum tapetem qui illam contegat; utque templorum parietes novâ fideliâ [mortar or whitewash] inducantur et lectissimis Sanctarum Scripturarum sententiis illustrentur; ut illarum lectione et admonitu populus possit ad pietatem commoveri." —(Canons, 1571.)

[u] "L. V. tapete. Linteamina [velamina de lino facta] corporalia, [ex panno lineo puro facta, candida atque munda] pallæ [vestimentia altaris] et alia indumenta altaris integra sint et mundissima et sæpe abluantur."—(Lyndw., lib. iii. tit. 23, p. 235.) "Quælibet ecclesia Calicem habeat argenteam cum vasis aliis decentibus, et Sindonem mundam et candidam et amplitudinis congruentis."—(Lyndw., lib. iii. tit. 26, p. 249.)

Rich carpets for the altar are mentioned in Justinian's letter, (Labbe, iv. c. 1516); Theodoret, (H. E., i. c. 3); St. Jerome ad Demetr., (Opp., i. 69); St. Chrysostom, (Hom. in St. Matt., l. § 4); and linen cloths by Optatus, (lib. v. adv. Parmen.; de Schism. Donat., l. vi. c. i. p. 92); Victor of Utica, (Pers. Afric., lib. i. c. 1). and Palladius, (Hist. Lausiaca, c. cxix.) The carpet was required by Bishop Mountagu to "cover the Table at all times." —(Visit. Art., tit. iii. n. 8; comp. Ordo Roman., n. 32; Amal. de Eccl. Off., lib. i. c. 12; Cosin, v. p. 512; and Cardw. Doc. Ann., n. xliii.) "Divine Service" by the Rubric includes the time of celebration. "Decent sicut decet, ornamenta altaris sint honesta. Decentia respici debet, secundùm qualitatem ecclesiæ et ipsius facultates."—(Lyndw., p. 52; for "decentia vestium," see lib. iii. tit. 1), "habere potest respectum ad formam, longitudinem vel amplitudinem."

[x] "That the Holy Table in every church be decently made,

Church or (*ejusdem*) Chancel, as thereby the Minister may be more conveniently (*commodiùs*) heard of the Communicants in his Prayer and Ministration, and the Communicants also more conveniently, and in more number, may communicate with the said Minister; and that[y] the Ten Commandments be set up (*pingatur*) on the East end of every Church and Chapel, where the people may best see and read the same, and other chosen sentences written upon the walls of the said Churches and Chapels, in places convenient; and like-

and set in the place where the altar stood, and there commonly covered as thereto belongeth."—(Inj. of 1559, § liii.) The position of the altar was fixed to the chancel when the short apse of the basilican form was in the eleventh century lengthened out eastward. "Magnum altare solet collocari in choro, tanquàm in solenniori loco ecclesiæ."—(Lyndw., lib. iii. tit. 27.) It may be as well to dispose of some popular misapprehensions by a direct statement of facts. The mediæval altar had three ornaments or "tables" of solid material,—the retable behind it; the super-altar upon its upper surface (tabula superior, mensa), and a table in front of its block or frame, (stipes, structura inferior); or else it had three ornaments of drapery,—the dossel, upper-cloth, or super-frontal; the pall; and the lower cloth, or frontal, (with a frontlet or orphrey, an upper edging along it at top.) After the Reformation these were called the parafront or counterfront, the middle covering, and the suffront or lower hanging; the two latter made the "carpet." The "back-wall" replaced the name of retable; and "altar-cloth," inclusive of rich stuffs and linen apparel, that of "pall." The back-ledge is quite modern; (Borromeo calls it "gradus ligneus super altari à tergo collocatus."—Labbe, xv. 432); and is simply the light beam set upon the table. Some altars in 1640 had "traverses," or side-curtains.—(Cardw. Conf., 129; Andrewes' Min. Works, v., App. F.; Lyndw., lib. iii. tit. 23, 27; my Life of Hacket, 129; Hist. of S. Marg., Westm., 75; Collier, iv. 304).

[y] "Where it is provided by act of Parliament holden in the first year of our reign, that whenever we see cause to take *further order* in any rite or ceremony . . . and that there is . . . lack of convenient reverence used towards the comely keeping and order of the said churches, and especially of the upper part called the chancels . . . we will you to order that the tables of the Commandments may be comely set or hung up in the east end of the chancel, to be not only read for edification, but also to give some comely ornament and demonstration that the same is a place of religion and prayer."—(Roy. Lett., 1560.)

wise that a convenient (*congrua*) seat[z] be made for the Minister to read service (*preces recitet*) in. All these to be done at the charge of the parish[a].

Rubric.—¶ The Table, at the Communion-time having a fair white linen cloth upon it, shall stand in the Body of the Church, or in the Chancel, where Morning and Evening Prayer are appointed to be said.

"The chancels shall remain as they have done in times past;" in the Latin Version of 1560, "eâdem formâ quæ superiorum temporum fuit;" and Bishop Juxon, in 1640, explains it thus: "that is to say, in the convenient situation of the seats, and in the ascent or steps unto the place anciently appointed for the standing of the Holy Table." This is the authority for the stalls in "choirs and places where they sing." In 1549 the rubric ran, "the Priest being in the quire shall begin;" and in 1582 the Bishop of St. David's mentions "the lower end of the chancel, where commonly the seat of the minister is."

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[z] "Have you a comely and convenient pew of wainscot for the minister?"—(Mountagu's Art., 1638.) "That the minister's reading-desk do not stand with the back to the chancel, nor too remote or far from it."—(Wren's Orders, 1636, § 20.) "Have you in your church or chancel a convenient seat erected for your minister, whereat to read the daily Morning and Evening Prayer? A desk, whereat to say the Litany, in the midst of the church?"—(Cosin's Art., 1662.)

[a] This canon is founded on Roy. Inj., 1559, § 53, but "Holy Communion" is substituted "for "Communion of the Sacrament," and "administered" for "distributed;" "comely" is omitted before "set up," and "chancel" is replaced by "chapel," a very important difference when taken in conjunction with the provision in the Advertisements of 1564, " over the Table," which likewise here disappears.

83. *A Pulpit* (*pulpita idonea*) *to be provided in every Church.*

The Churchwardens or (*et*) Questmen, at the common charge of the Parishioners in every Church (*respectivè*), shall provide a comely and decent (*decorum*) Pulpit, to be set in a convenient (*idoneo*) place within the same, by the discretion of the Ordinary of the place, if any question do arise, and to be there seemly (*decenter*) kept for the preaching of God's (*Divini*) Word[b].

"Is it decently made, and accompanied with a fair cloth and cushion?" (*Duppa's Art.*, 1638, § 5.)

Rubric.—¶ After Morning Prayer, the Litany ended according to the accustomed manner, the Priest shall, in the Reading-Pew or Pulpit, &c.

"Ecclesia, ipsorum murorum ambitus." (*Jo. de Athon. in Othob.*, tit. 12; comp. tit. 17, gl.) "Appellatione Ecclesiæ continentur et Cancellus. Cancellus est interstitium inter propugnacula murorum quod claudit Chorum à Navi ecclesiæ. Cancellus est cantorum excellens locus." (*Lyndw.*, lib. i. tit. 10, p. 55.) "Navis ecclesiæ, illa pars quæ est extra Cancellum." (Lib. iii. tit. 23, p. 237; comp. tit. 27, p. 253.) "1550; a convenient part of the chancel within every church or chapel." (*Doc. Ann.*, i. 101; *Wren's Inj.*, 1634, ch. ii. § 13, 21.) "Superiorum in ecclesiis locorum quæ cancella vocantur." (*Reform. Leg. de Visit.*, c. 4.)

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[b] This canon is founded on Roy. Inj. of 1547, § 28; Inj. of 1559, § 24, "honest" is replaced by "decent;" "or questmen" and from the words "by the discretion" to "the place," are added. "Curabunt æditui suggestum commodum unde cœlestis doctrina publicetur."—(Canons, 1571.) "God's Word" was taken in a large sense. Thus we read, "Sober, discreet, and devout singing and playing with organs, used in the church in the service of God, are ordained to move and stir the people to the sweetness of God's Word, which is there sung, and by that sweet harmony both to excite them to prayer and devotion; and also to put them in remembrance of the heavenly triumphant Church, where is everlasting joy, continual laud, and praise to God."—(Book of Cerem.; Strype Mem., ii. n. cix.) Wren quotes the Constitution of 1571, and asks, "Doth your minister preach standing, and in his cassock and gown, with his surplice and hood also, if he be a graduate; and with his head uncovered?"—(1636; see pp. 72, 106.)

84. *A Chest for Alms (cistæ ad Eleemosynarum custodiam) in every Church.*

The Churchwardens shall provide and have, within three months after the publishing of these Constitutions, a strong (*validam et firmam*) Chest, with a hole (*fissurâ*) in the upper part thereof, to be provided at the charge of the parish (if there be none such already provided), having three keys: of which one shall remain in the custody of the Parson, Vicar, or Curate, and the other two in the custody of the Churchwardens (*separatim*) for the time being: which Chest they shall set and fasten (*disponetur*) in the most convenient place, to the intent the Parishioners may put into it their alms for their poor neighbours. And the Parson, Vicar, or Curate, shall diligently (*non cessabunt*), from time to time, and especially when men make their testaments, call upon (*invitare*), exhort, and move[c] (*jugiter incitare*) their neighbours to confer and give, as they may well spare, to the said Chest; declaring unto them, that whereas heretofore they have been diligent to bestow much substance otherwise than God commanded, upon superstitious uses, now they ought at this time to be much more ready to help the poor and needy, knowing that to relieve the poor (*egenos et pauperes*) is a sacrifice which pleaseth (*gratum et acceptum*) God; and that also whatsoever is given for their comfort is given to Christ Himself, and is so accepted of Him that He will mercifully (*benignè*) reward the same. The which alms and devotion (*pias largitiones*) of the people, the keepers of the keys shall yearly, quarterly, or oftener (as need requireth) (*pro causarum vel temporum conditione*), take out of the Chest, and distribute the same in the presence of most of the parish, or six of the chief of them, to be truly and faithfully delivered to their most poor and needy (*maximè indigentes*) neighbours [d].

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[c] *Rubric.*—¶ The Minister shall not omit earnestly to move such sick persons as are of ability to be liberal to the poor.
Here shall the sick man be moved, &c.

85. *Churches to be kept in sufficient Reparations* (*sartæ tectæ*).

The Churchwardens or (*et*) Questmen shall take care and provide that the Churches be well and sufficiently (*congrue*) repaired, and so from time to time (*perpetuò*) kept and maintained, that the windows be well glazed, and that the floors be kept paved, plain, and even, and all things there in such an orderly and decent (*decore*) sort, without dust, or any thing that may be either noisome or unseemly (*ingratum aut indecorum*), as best becometh the House of God, and is prescribed in an Homily[e] to that effect. The like care they shall take, that the Churchyards be well and sufficiently repaired, fenced, and maintained with walls, rails (*vacerris*), or pales, as have been in each place accustomed, at their charges unto whom by law the same appertaineth: but especially they shall see that in every meeting of the congregation peace be well (*pax et quies religiosè*) kept; and that all persons excommunicated, and so denounced, be kept out of the Church (*ecclesiæ liminibus arceantur*).

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[d] Founded on Inj. of 1547, § 29, and 1559, § 25, but the changes are numerous and important; "oblations and" are left out before alms, a fact illustrating the use of the word in the Prayer for the Church Militant: the various kinds of "blind devotions" are no longer enumerated after "superstitions;" "true worshipping of God," "required earnestly under pain of everlasting damnation," is superseded by "sacrifice which pleaseth;" "with everlasting life" is dropped out after "the same;" and the "times convenient" are now defined; whilst "most" is introduced instead of "the whole."

"Æditui curabunt ut Ædes Sacræ mundè et sanctè conserventur, ne cuiquam vel pulvere vel ramentis [litter] vel sordibus moveant nauseam. Curabunt ut Ecclesiæ plumbo, tegula, materia, vitro diligenter et probè reficiantur, ne vel minister vel populus aut in sacro ministerio et cultu Dei, aut in Cœlestium Mysteriorum tractatione, aut in habenda et audienda communione cœli injuriis quatientur."

"Imprimis autem operam dabunt ut in omni ecclesiastico conventu pax quam maximè conservetur." (*Canons*, 1571.)

"Ecclesia comprehendit ecclesiam integram, viz. Navem cum Cancello." (*Lyndw.*, lib. i. tit. 10, p. 53.) "Circa cujus reparationem in sua visitatione debet invigilare episcopus: idem et archidiaconus qui vicarius episcopi est, facere debet. Parochiani tenentur invenire clausuram Cœmiterii, (1) reparationem Navis

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[e] Rep. of Churches, Hom., Oxf. ed., p. 245; comp. Right Use of Church, pt. ii. p. 152.

Ecclesiæ interiùs (2) et (3) exteriùs, in fenestris vitreis; reparatione Librorum et vestimentorum, quandocunque contigerit eadem reparationibus indigere. Cætera autem omnia tam in reparatione Cancelli quam in aliis hic non expressis secundùm diversas consuetudines approbatas à locorum rectoribus et vicariis seu ad quos pertinent, habent in (4) omnibus reparari sumptibus eorundem; gl. (1) idem de nova constructione quandò opus erit, (2) in dealbatione parietum, in sedilibus reparandis, et aliis hujusmodi quæ pertinent ad decorem ecclesiæ (3) in coopertura (4) necessariis." (*Lyndw.*, lib. iii. tit. 27, p. 253.)

"Cœmiterium appellatione cœmiterii continetur totus fundus qui infra clausuram ipsius continetur." (*Lyndw.*, lib. iii. tit. 28, p. 267.) "In cœmiterio non debent poni ædificia nisi clericorum." (*Id.*, lib. iii. tit. 27, p. 253.) "Si prælatus puniat pro ecclesiâ non factâ, cœmiterio non clauso, ecclesiâ discoopertâ vel non decenter ornatâ, in his casibus non potest infligi alia pœna quàm pecuniaria; gl. ornata sc. in libris, vestimentis, et aliis ad Divinum cultum necessariis." (*Lyndw.*, lib. ii. tit. 11, p. 97; lib. iii. tit. 22, p. 224; lib. i. tit. 10, p. 53.)

Churches are to be kept in decent order by *Edgar's Canons*, 960, c. 26; and *Theodore's Capit.*, 994, c. viii. For "clausura cœmiterii," see *Lyndw.*, lib. iii. tit. 22. "Gardianorum sunto hæc munera . . . in ecclesia vel cœmiterio rixantes sive pugnantes, necnon eos qui divinis precibus, cultui sacro, vel Diebus Dominicis et festivis, nullis propediti legitimis impedimentis, interesse noluerint loci ordinaris denuntiare: alios verò inter Divina in ecclesiâ tumultuantes vel strepitu Sacra

Mysteria perturbantes, duabus vicibus ut sileant, adhortari." (*Reform. Leg.*, 113.) "Men should go to church for prayer and the love of God, therefore we forbid brawls, and play, and useless words, and every idleness to be done in holy places." (*Theod. Capit.*, 994, c. x.)

86. *Churches* (*de tertio in tertium annum*) *to be surveyed, and the Decays certified to the high* (*regiis*) *Commissioners.*

Every Dean, Dean and Chapter, Archdeacon[f], and others which have authority to hold Ecclesiastical Visitations by composition, law, or prescription, shall survey the Churches of his or their jurisdiction once in every three years in his own person, or cause the same to be done; and shall from time to time within the said three years certify the high Commissioners for Causes Ecclesiastical, every year, of such defects in any the said Churches, as he or they do find to remain unrepaired, and the names and surnames (*cognominibus*) of the parties faulty therein. Upon which certificate (*informatione*), we desire that the said high Commissioners will *ex officio mero* send for such parties, and compel them to obey the just and lawful decrees of such Ecclesiastical Ordinaries, making such certificates.

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[f] Lyndw., lib. i. tit. 10, cap. 4, p. 53.

87. *A Terrier (inventaria) of Glebe-lands*[g], *and other possessions (terrarum et peculiorum) belonging to Churches, (conficienda et in episcoporum archivis asservanda).*

We ordain, that the Archbishops and all Bishops, within their several dioceses shall procure (as much as in them lieth) that a true note and terrier of all the glebes, lands, meadows, gardens, orchards, houses, stocks, implements, tenements, and portions of tithes, lying out of their parishes (which belong to any Parsonage, or Vicarage, or rural Prebend) be taken by the view of honest men in every parish, by the appointment of the Bishop, (whereof the Minister to be one), and be laid up in the Bishop's Registry, there to be for a perpetual memory thereof[h].

88. *Churches not to be profaned. (Ecclesiarum religio profanis usibus non polluenda.)*

The Churchwardens or Questmen and their Assistants (*vel assistentes*) shall suffer no plays[i] (*ludos scenicos*), feasts, banquets, suppers, church-ales (*cœnas solennes*), drinkings, temporal courts, or leets (*visus franci plegii*), lay-juries (*juratas*), musters (*lustrationes militum*), or any other profane usage (*usum sive ritum*), to be kept in the Church, Chapel, or Churchyard, neither the bells to be rung superstitiously upon Holydays or Eves (*earum Vigiliis*) abrogated (*antiquatæ*) by the Book of Common Prayer, nor at any other times, without good cause to be allowed by the Minister of the place, and by themselves.

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[g] "Terra in qua consistit dos ecclesiæ."—(Lyndw., lib. iii. tit. 28.)

[h] An amplification of the Canon of 1571.

[i] "These occurred on the Feast of Dedication."—(Pole's Const., 1555; Doc. Ann., i. 180.)

"Æditui convivia, symposia, cœnas et invitationes publicas in templis celebrari non patientur, nec campanas superstitiòse pulsari vel in Vigilia Animarum vel postridiè Omnium Sanctorum, nec omnino unquam ubi pulsandi consuetudo ad superstitionem videbitur inclinare." (*Canons*, 1571.) Pedlars, beggars, and vagabonds, were in time of Divine Service, or sermon, to be removed from the cemetery and porch. Mountagu, in 1638, includes pinfolds of sheep, oxen, or horses; booths, or standings for chapmen at fair or market-time, or drying clothes and tanned leather; dancings, morrice, meetings at Easter, Whitsun Ales, Midsummer merry-makers, stool-ball, foot-ball, wrestlings, wasters, and boys' sports.

The following Visitation Articles complete this portion of the subject:—"Are all the seats in the church uniform therein, and so ordered that they which are in them may all conveniently kneel down in the time of prayer, and have their faces up eastward toward the Holy Table?" (*Bp. Wren's Art.*, 1636, ch. iii. § 14.) "As the fashion was of old, do the men sit together upon one side of the church, and women upon the other?" (*Mountagu's Art.*, 1638, tit. 1, § 7.) "Are there any steps or ascents in your chancel up to the Communion Table? Have you also a decent rail of wood, or some other comely inclosure covered with cloth or silk, placed handsomely above those steps before the Holy Table, near one yard high, and reaching across from the north wall to the south, with two convenient doors to open before the Table? and if it be a rail, are the pillars or ballisters thereof so close, that dogs may not any where get in?" (*Ibid.*, 1662.) "Is there a decent strong door therein to open and shut, as occasion serveth, with lock and key, to keep out boys, girls, or irreverent men and women?" (*Mountagu's Art.*, 1638.) "Because experience hath shewed us how irreverent the behaviour of many people is in many places, some leaning, some casting their hats, and some sitting upon, some standing, and others sitting under the Communion Table in time of Divine Service, for the avoiding of these and the like abuses, it is thought meet and convenient by this present Synod, that the said Communion Table in all chancels and chapels be decently secured with rails, to preserve them from such and worse profanation." (*Canons of* 1640, § 7.)

"Is your chancel divided from the nave, or body of your church, with a partition of stone, boards, wainscot, grates, or otherwise?" (*Mountagu's Art.*, 1638, tit. 1, § 8.) "The table of communion, now become a table of separation, stands like an exalted platform upon the brow of the quire, fortified with bulwark and barricado." (*Milton on Reformation*, p. 6.)

CHURCHWARDENS[k], OR QUESTMEN, AND SIDEMEN, OR ASSISTANTS (*et inquisitoribus sive assistentibus*).

89. *The Choice of Churchwardens, and their Account.*

All Churchwardens or Questmen in every parish shall be chosen by the joint (*unito*) consent of the Minister and the Parishioners, if it may be: but if they cannot agree upon such a choice, then the Minister shall choose one, and the Parishioners another: and without such a joint or several choice none shall take upon them to be Churchwardens: neither shall they continue any longer than one year in that office, except perhaps they be chosen again (*de integro*) in like manner. And all Churchwardens at the end of their year, or within a month after at the most (*saltem*), shall before the Minister and the Parishioners give up a just (*veram et particularem*) account of such money as they have received, and also what particularly they have bestowed in reparations and otherwise, for the use (*in alios quoscunque usus*) of the Church. And, last of all, going out of their office, they shall truly deliver up to the Parishioners whatsoever money or other things of right belonging to the Church or Parish, which remaineth in their hands, that it may be delivered over by them to the next Churchwardens by bill indented[l].

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[k] Churchwardens are called "œconomi," or "ecclesiæ gardiani," in the Reformatio Legum, pp. 97, 112, and referred to in the Constitutions of 1571. The Sidemen are also mentioned, "graviores parochiani ad hoc deligendi; ex primoribus parochiæ vocandi."—(p. 114.) They occur in citations and presentments before the Reformation, as "parochiani fide digni;" and in 1571, as "selecti viri assistentes."

The admission of Churchwardens is regulated by 5 and 6 Will. IV., c. 62, § 9.

90. *The Choice of Sidemen*[m], *and their joint Office with Churchwardens.* (*Inquisitorum sive assistentium electio, eorumque cum Œconomis officii communitas.*)

The Churchwardens or Questmen of every parish, and two or three or more discreet persons in every parish, to be chosen for Sidemen or Assistants (*pro assistentibus*) by the Minister and Parishioners, if they can agree, (otherwise to be appointed by the Ordinary of the diocese,) shall diligently (*sedulò*) see that all the parishioners duly resort to their Church upon all Sundays and Holy-days[n], and there continue the whole time of Divine Service; and none to walk or to stand idle or talking in the Church, or in the Church-yard, or in the Church-porch, during that time. And all such as shall be found slack or negligent in resorting to the Church (having no great or urgent (*ardua*) cause of absence) they shall earnestly call upon them; and after due monition (if they amend not) they shall present them to the Ordinary of the place. The choice of which persons, viz. Churchwardens, or Questmen, Sidemen or Assistants, shall be yearly made in Easter-week.

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[l] Founded on Canon of 1571, which allows "pro consuetudine suæ quisque parochiæ;" and appoints the account to be made, "semel in singulis annis." The election was to be "suffragiis ecclesiastici ministri et parochianorum suorum."

The following Acts of Parliament now regulate elections:—58 Geo. III., c. 45, § 73; 1 and 2 Will. IV., c. 38, § 73; 6 and 7 Vict., c. 37, § 17; 8 and 9 Vict., c. 70, § 6, 7, 8.

[m] "Questmen or Sidemen, yearly assistants of the Churchwardens in the enquiry and presenting such offenders to the Ordinary as are punishable in the court Christian."—(Blount's Glossographia, p. 594; Harrison's England, p. 163; Ayliffe, Parergon, 171.)

[n] The Royal Inj., 1547, § 24, repeated in 1559, § 46, required their sacred observance. See also 5 and 6 Edw. VI., c. 1.

"Missas die Dominico sæcularibus totas audire speciali ordine precipimus ità ut ante benedictionem sacerdotis egredi populus non præsumat." (*Agde*, 506, c. xlvii.) "De Missis nullus laicorum antè discedat quàm Dominica dicatur Oratio. Et si episcopus præsens fuerit ejus benedictio expectetur." (*Council of Orleans*, 540, c. xxii.) "Sacerdote verbum in ecclesiâ faciente, qui egressus de auditorio fuerit, excommunicetur." (*Excerp. Ecgbriht*, 740, c. 84; *IV. Council Carthage*, 436, c. xxiv.) "Si pœna infligenda sit in specie, tunc requiritur monitio specialis. Ubi sententia excommunicationis est generaliter ferenda, sive denuncianda, sufficit, ut generalis monitio præcedat." (*Lyndw.*, lib. iii. tit. 28; see also tit. 23, p. 228.)

PARISH CLERKS. (*De Ostiariis sive clericis parochialibus.*)

91. *Parish Clerks to be chosen by the Minister* (*eligendi jus ministro cedet*).

No Parish Clerk upon any vacation shall be chosen, within the City of London, or elsewhere within the province of Canterbury, but by the Parson or Vicar: or where there is no (*defectu*) Parson or Vicar, by the Minister of that place (*ejusdem ecclesiæ*) for the time being; which choice shall be signified by the said

Minister, Vicar, or Parson, to the Parishioners the next Sunday following, in the time of Divine Service. And the said Clerk shall be of twenty years of age at the least, and known to the said Parson, Vicar, or Minister, to be of honest conversation (*vitâ probabili*), and sufficient (*idonea*) for his reading, writing, and also for his competent skill (*scientiâ*) in singing, if it may be. And the said Clerks so chosen shall have and receive their ancient wages, without fraud or diminution, either at the hands of the Churchwardens, at such times as hath been accustomed, or by their own collection, according to the most ancient custom of every parish.

"Clericus habet deservire Presbytero in altari, secum cantare, et Epistolam legere." (*Lyndw.*, lib. iii. tit. 7, p. 143.) Comp. *Grindal's Injunctions*, 1571: "To read the First Lesson, the Epistle, and the Psalms, with answers to the suffrages as is used." "Doth the Parish Clerk, when he doth duly attend the minister in all divine service, wear a gown and a surplice over it?" (*Cosin's Art. of Visit.*, 1662.)

The law relating to Parish Clerks is laid down in 7 and 8 Vict., c. 59, § 2, 6, 9; and 59 Geo. III., c. 134, § 20.

In the next section, as regards the Canons 92, 93, 105, 106, 126, 132, the jurisdiction of ecclesiastical courts in testamentary cases is removed to the Probate Court by 20 and 21 Vict., c. 77; matrimonial and divorce causes are also transferred by 20 and 21 Vict., c. 85, to the same Court, that is, the Court of Divorce is presided over by the Judge of the Probate Court.

ECCLESIASTICAL COURTS BELONGING TO THE ARCHBISHOP'S JURISDICTION.

92. *None to be cited into divers Courts for Probate of the same Will.*

Forasmuch as many heretofore have been by Apparitors, both of inferior courts, and of the courts of the Archbishop's Prerogative, much distracted, and diversely called and summoned for probate of wills, or to take administrations of the goods of persons dying intestate, and are thereby vexed and grieved with many causeless and unnecessary troubles, molestations, and expenses; we constitute and appoint, That all Chancellors, Commissaries, or Officials, or any other exercising ecclesiastical jurisdiction whatsoever, shall at the first charge with an oath all persons called, or voluntarily appearing before them for the probate of any will or the administration of any goods, whether they know, or (moved by any special inducement) do firmly believe, that the party deceased, whose testament or goods depend now in question, had at the time of his or her death any goods, or good debts in any other diocese or dioceses, or peculiar jurisdiction within that province, than in that wherein the said party died, amounting to the value of five pounds. And if the said person cited, or voluntarily appearing before him, shall upon his oath affirm, that he knoweth, or (as aforesaid) firmly believeth, that the said party deceased had goods or good debts in any other diocese or dioceses, or peculiar jurisdiction within the said province, to the value aforesaid, and particularly specify and declare the same:

then shall he presently dismiss him, not presuming to intermeddle with the probate of the said will, or to grant administration of the goods of the party so dying intestate: neither shall he require or exact any other charges of the said parties, more than such only as are due for the citation, and other process had and used against the said parties upon their further contumacy; but shall openly and plainly declare and profess, that the said cause belongeth to the Prerogative of the Archbishop of that Province; willing and admonishing the party to prove the said will, or require administration of the said goods in the Court of the said Prerogative, and to exhibit before him the said Judge the Probate or administration, under the seal of the Prerogative, within forty days next following. And if any Chancellor, Commissary, Official, or other exercising ecclesiastical jurisdiction whatsoever, or any their Registrar, shall offend herein, let him be *ipso facto* suspended from the execution of his office, not to be absolved or released, until he have restored to the party all expenses by him laid out contrary to the tenor of the premises; and every such probate of any testament, or administration of goods so granted, shall be held void and frustrate to all effects of the law whatsoever.

Furthermore we charge and enjoin, That the Registrar of every inferior Judge do, without all difficulty or delay, certify and inform the Apparitor of the Prerogative Court, repairing unto him once a month, and no oftener, what executors or administrators have been by his said Judge, for the incompetency of his own jurisdiction, dismissed to the said Prerogative Court within the month next before, under pain of a month's suspension from the exercise of his office for every default therein. Provided, that this Canon, or any thing therein contained, be not prejudicial to any composition between the Archbishop and any Bishop or other Ordinary, nor to any inferior Judge that shall grant any probate of testament or administration of goods, to any party that shall voluntarily desire it, both out of the said inferior court, and also out of the Prerogative. Provided likewise, that if any man die *in itinere*, the goods that he hath about him at that present shall not cause his testament or administration to be liable unto the Prerogative Court.

93. *The Rate of* Bona notabilia[o] *liable to the Prerogative Court.*

Furthermore, we decree and ordain, That no Judge of the Archbishop's Prerogative shall henceforward cite, or cause to be cited, *ex officio*, any person whatsoever to any of the aforesaid intents, unless he have knowledge that the party deceased was at the time of his death possessed of goods and chattels in some other diocese or dioceses, or peculiar jurisdiction within that province, than in that wherein he died, amounting to the value of five pounds at the least; decreeing and declaring that whoso hath not goods in divers dioceses to the said sum or value shall not be accounted to have *Bona notabilia*. Always provided, That this clause, here and in the former Constitution mentioned, shall not prejudice those dioceses, where by composition or custom *Bona notabilia* are rated at a greater sum. And if any Judge of the Prerogative Court, or any his Surrogate, or his Registrar or Apparitor, shall cite, or cause any person to be cited into his court, contrary to the tenor of the premises, he shall restore to the party so cited all his costs and charges, and the acts and proceedings in that behalf shall be held void and frustrate. Which expenses, if the said Judge, or Registrar, or Apparitor, shall refuse accordingly to pay, he shall be suspended from the exercise of his office, until he yield to the performance thereof.

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[o] "Habens in bonis minùs C. solidis sterlingorum non dicetur habere Bona notabilia."—(Lyndw. de Test., c. stat. v. laicis.) This sum was confirmed by 25 Hen. VIII., c. v.

94. *None to be cited into the Arches or Audience, but dwellers within the Archbishop's Diocese, or Peculiars.*

No Dean of the Arches, nor Official of the Archbishop's Consistory, nor any Judge of the Audience, shall henceforward, in his own name, or in the name of the Archbishop, either *ex officio*, or at the instance of any party, originally cite, summon, or any way compel, or procure to be cited, summoned, or compelled, any person which dwelleth not within the particular diocese or peculiar of the said Archbishop, to appear before him or any of them, for any cause or matter whatsoever belonging to ecclesiastical cognizance, without the licence of the Diocesan first had and obtained in that behalf, other than in such particular cases only as are expressly excepted and reserved in and by a statute[p], *Anno* 23 *Hen. VIII.*, *cap.* 9.

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[p] If any spiritual offence be committed by the bishop or other inferior ordinary. If any party think himself aggrieved by a sentence passed in any inferior Ecclesiastical Court, and appeal to the Metropolitan Court. In case the inferior ordinary

And if any of the said Judges shall offend herein, he shall for every such offence be suspended from the exercise of his office for the space of three whole months.

95. *The restraint of double Quarrels.*

Albeit by former Constitutions of the Church of England, every Bishop hath had two months' space to inquire and inform himself of the sufficiency and qualities of every Minister, after he hath been presented unto him to be instituted into any benefice: yet, for the avoiding of some inconveniences, we do now abridge and reduce the said two months unto eight-and-twenty days only. In respect of which abridgment we do ordain and appoint, that no double quarrel[q] shall hereafter be granted out of any of the Archbishop's courts at the suit of any Minister whomsoever, except he shall first take his personal oath that the said eight-and-twenty days at the least are expired, after he first tendered his presentation to the Bishop, and that he refused to grant him institution thereupon; or shall enter bonds with sufficient sureties to prove the same to be true; under pain of suspension of the granter

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dares not, or will not, convene the offending party. If the inferior ordinary be party to the suit. If Letters of Instance or Request be sent by the inferior ordinary to the Judge of these courts, that he would take any cause to his examination and cognizance, though arising in the jurisdiction of the inferior ordinary.

[q] An instrument directed to the Ordinary, containing a monition from the Archbishop to institute within a certain day, or if he refuse, then to appear and shew cause why he does not, with an inhibition that nothing be done, *pendente lite*, to the prejudice of the party complaining. See Const. of 1571.—(Cardw. Synod., i. 142.)

thereof from the execution of his office for half a year *toties quoties*, to be denounced by the said Archbishop, and nullity of the double quarrel aforesaid, so unduly procured, to all intents and purposes whatsoever. Always provided, that within the said eight-and-twenty days the Bishop shall not institute any other to the prejudice of the said party before presented, *sub pœnâ nullitatis.*

[1222.] "Si quis ad Ecclesiam aliquam, nullo contradicente, præsentetur canonicè, episcopus præsentatum ipsum, dum tamen idoneus sit, nequaquàm admittere differat ultra duos menses. Alioquin quicquid ex eâdem ecclesiâ post factam præsentationem fuerit forte perceptum, illi cùm institutus fuerit, restituatur, quatenus fructus illi ad episcopum pervenerunt." (*Lyndw.*, lib. iii. tit. 6, p. 138.) A salary may be deducted for a curate in the vacancy, 28 Hen. VIII., c. 1.

96. *Inhibitions*[r] *not to be granted without the subscription of an Advocate.*

That the jurisdiction of Bishops may be preserved (as near as may be) entire and free from prejudice, and that for the behoof of the subjects of this land better provision be made, that henceforward they be not grieved with frivolous and wrongful suits and molestations: it is ordained and provided, That no inhibition shall be granted out of any court belonging to the Archbishop of Canterbury, at the instance of any party, unless it be subscribed by an Advocate practising in the same court: which the said Advocate shall do freely, not taking any fee for the same, except the party prosecuting the suit do voluntarily bestow some gratuity upon him for his counsel and advice in the said cause. The like course shall be used in granting forth any inhibition, at the instance of any party, by the Bishop, or his Chancellor, against the Archdeacon or any other person exercising ecclesiastical jurisdiction: and if in the court or consistory[s] of any Bishop there be no Advocate at all, then shall the subscription of a Proctor practising in the same court be held sufficient.

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[r] A writ which forbids a judge to proceed further in the case before him.

97. *Inhibitions not to be granted until the Appeal be exhibited to the Judge.*

It is further ordered and decreed that henceforward no inhibition be granted by occasion of any interlocutory decree[t], or in any cause of correction whatsoever, except under the form aforesaid: and moreover, That before the going out of any such inhibition, the appeal itself, or a copy thereof, (avouched by oath to be just and true,) be exhibited to the Judge, or his lawful Surrogate, whereby he may be fully informed both of the quality of the crime, and of the cause of the grievance, before the granting forth of the said inhibition. And every Appellant, or his lawful Proctor, shall, before the obtaining of any such inhibition, shew and exhibit to the Judge, or his Surrogate, in writing, a true copy of those acts wherewith he complaineth himself to be aggrieved, and from which he appealeth; or shall take a corporal[u] oath, that he hath performed his diligence and true endeavour for the obtaining of the same, and could not obtain it at the hands of the Registrar in the country, or his deputy, tendering him his fee. And if any Judge or Registrar shall either procure or permit any inhibition to be sealed, so as is said, contrary to the form and limitation above specified, let him be suspended from the execution of his office for the space of three months: if any Proctor, or other person whatsoever by his appointment, shall offend in any of the premises either by making or sending out any inhibition, contrary to the tenor of the said premises, let him be removed from the exercise of his office for the space of a whole year, without hope of release or restoring.

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[s] "Consistorium quoad episcopos: tribunal est locus in quo sedet ordinarius inferior."—(Lyndw., lib. ii. tit. 3.)

[t] That which decides not the case, but only settles some intervening matter relating to the cause.

98[x]. *Inhibitions not to be granted to factious Appellants, unless they first subscribe.*

Forasmuch as they who break the laws cannot in reason claim any benefit or protection by the same; we decree and appoint, That after any Judge Ecclesiastical hath proceeded judicially against obstinate and factious persons, and contemners of ceremonies, for not observing the rites and orders of the Church of England, or for contempt of public prayer, no Judge, *ad quem*, shall admit or allow any his or their appeals, unless, he having seen the original appeal, the party appellant do first personally promise and avow, that he will faithfully keep and observe all the rites and ceremonies of the Church of England, as also the prescript form of a Common Prayer; and do likewise subscribe to the three Articles formerly by us specified and declared.

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[u] Corporal, because the party who takes the oath is obliged to lay his hand upon the Bible.

[x] See Canon XI.

99. *None to marry within the Degrees prohibited.* (*Intra gradus prohibitos matrimonium contractum ipso jure nullum.*)

No person shall marry within the degrees prohibited by the laws of God[y], and expressed in a Table set forth by authority in the year of our Lord God 1563. And all marriages so made and contracted shall be judged incestuous and unlawful (*illegitima*) and consequently shall be dissolved as void (*vacua sive nulla*) from the beginning, and the parties so married shall by course (*processum*) of law be separated. And the aforesaid Table shall be in every Church publicly set up and fixed at the charge of the parish[z].

All marriages within prohibited degrees are void by 5 and 6 Will. IV., c. 54.

100. *None to marry under Twenty-one Years, without their Parents' consent.*

No children (*liberis*) under (*qui nondum compleverint*) the age of one-and-twenty years complete shall contract themselves, or marry, without the consent of their parents, or of their guardians (*tutorum*) and governors, if their parents be deceased.

Dissent to the banns is required by 4 Geo. IV., ch. 76,

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[y] "Lex Divina dicitur solùm illa quæ continetur in sacrâ Paginâ: est duplex, sc. Vetus et Novum Testamentum."—(Lyndw., lib. v. tit. 5, p. 299.) See 32 Hen. VIII., c. 38; 2 and 3 Edw. VI., c. 23; and 1 Eliz., c. 1, § 3.

[z] Canons, 1571.

§ 8; persons authorized to consent are named in § 15, 16; two witnesses of marriage are necessary, § 21—28; and a banns-book is required, § 6.

101. *By whom Licences (facultates) to marry without Banns*[a] *shall be granted, and to what sort of Persons.*

No faculty or licence (*indulgentia*) shall be henceforth granted for solemnization of Matrimony betwixt any parties, without thrice open publication of the banns, according to the Book of Common Prayer, by any person exercising any ecclesiastical jurisdiction, or claiming any privileges in the right of their churches; but the same shall be granted only by such as have episcopal authority, or the Commissary for faculties, Vicars General of the Archbishops and Bishops, *sede plena;* or, *sede vacante*, the Guardian (*custodis*) of the Spiritualities, or Ordinaries[b] exercising of right episcopal jurisdiction in their several jurisdictions, respectively, and unto such persons only as be of good state and quality (*illustris et claræ conditionis*), and that upon good caution and security (*idonea et sufficienti cautione*) taken[c].

Licences by bishops are given under 25 Hen. VIII., c. 21, and 4 Geo. IV., c. 76; and special by the Archbishop of Canterbury, § 20; like banns they are only of force for three months, § 9, 19.

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[a] "Banni, proclamationes publicæ."—(Lyndw., lib. iv. tit. 3, 270, 274.)

[b] "Ordinarii (1.) propriè loquendo, Episcopi qui sunt judices ordinarii, [quoad ea quæ sunt ordinis vel dispensationis singularis, Othon. 51] in suis diœcesibus et civitatibus. (2.) omnis judex ecclesiasticus qui super clericos hujusmodi habet ordinariam jurisdictionem."—(Lyndw., lib. ii. tit. 2. p. 93.) See also lib. iii. tit. 13; lib. ii. tit. 1. Othon. 51.)

[c] Constitutions, 1597.

102. *Security to be taken at the granting of such Licences, (pro bannorum omissione), and under what conditions.*

The security mentioned shall contain these conditions: First, That, at the time of the granting every such licence, there is not any impediment or precontract, consanguinity[d], affinity, or other lawful (*de jure prohibitæ*) cause to hinder (*occurrere aut obstare*) the said marriage. Secondly, That there is not any controversy or suit (*lis seu querela*) depending in any court before any Ecclesiastical Judge, touching any contract or marriage of either of the said parties with any other. Thirdly, That they have obtained thereunto the express consent of their parents, (if they be living,) or otherwise of their guardians or governors. Lastly, That they shall celebrate the said matrimony publicly[e] in the Parish Church or Chapel where one of them dwelleth, and in no other place, and that between the hours of eight and twelve in the forenoon[f].

Taking of security is abolished by 4 Geo. IV., c. 76, § 15, 16; but one party must have resided in the parish for fifteen days immediately before, § 10, 12, 14.

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[d] "Consanguinity and affinity."—(Const. Othob., tit. 53.)

[e] "Matrimonium de die et in facie ecclesiæ celebretur (in conspectu ecclesiæ populi sc. congregati in ecclesiâ)."—(Lyndw., lib. iv. tit. 1, p. 271.)

[f] See Canon LXII.; Comp. Sparrow's Ration., pp. 195, 259; Constit., 1597; Articles, 1584, § 10.

103. *Oaths to be taken for the Conditions.* (*Eadem conditiones ob majorem cautelam jurejurando suffultæ.*)

For the avoiding of all fraud and collusion (*dolus*) in the obtaining of such licences and dispensations (*facultatibus*), we further constitute and appoint, That before any licence for the celebration of matrimony without publication of banns be had or granted, it shall appear to the Judge, by the oaths of two sufficient witnesses, one of them to be known either to the Judge himself, or to some other person of good reputation then present, and known likewise to the said Judge, that the express consent of the parents, or parent, if one be dead, or guardians or guardian of the parties, is thereunto had and obtained. And furthermore, That one of the parties personally swear, that he believeth there is no let or (*legitimum*) impediment of precontract, kindred (*consanguinitatis*), or alliance (*affinitatis*), or of any other lawful cause whatsoever, or any suit commenced in any Ecclesiastical Court, to bar or hinder the proceeding of the said matrimony, according to the tenure (*tenorem*) of the aforesaid licence.

One party must swear that there are no impediments, 4 Geo. IV., ch. 76, § 14; they are stated in § 27.

104. *An exception for those that are in Widowhood.* (*Parentum concessus viduis contrahentibus remissus.*)

If both the parties which are to marry [being in widowhood do seek a faculty for the forbearing of banns, then the clauses before mentioned, requiring the parents' consents, may be omitted: but the parishes where they dwell, both shall be expressed in the licence, as also the parish named where the marriage shall be celebrated. And if any Commissary for (*ad*) faculties, Vicars General, or other the said Ordinaries, shall offend in the premises, or any part thereof, he shall, for every time so offending, be suspended from the execution of his office for the space of six months; and every such licence or dispensation (*indulgentia*) shall be held void to all effects and purposes (*ad omnem juris effectum*), as if there had never been any such granted; and the parties marrying by virtue thereof shall be subject to the punishments which are appointed for clandestine marriages.

105. *No Sentence for Divorce* (*pro conjugio derimendo*) *to be given upon the sole* (*nuda*) *Confession*[g] *of the Parties* (*non audienda*).

Forasmuch[h] as matrimonial causes have been always reckoned and reputed among the weightiest, and therefore require the greater caution when they come to be handled and debated in judgment, especially in causes wherein matrimony, having been in the Church duly solemnized, is required, upon any suggestion or pretext whatsoever, to be dissolved or annulled: we do straitly charge and enjoin, That in all proceedings to divorce, and nullities of matrimony, good circumspection and advice (*deliberatè*) be used, and that the truth may (as far as is possible) be sifted out (*eruatur*) by the deposition of witnesses, and other lawful proofs and evictions; and that credit be not given to the sole confession of the parties themselves, howsoever taken upon oath, either within or without the court[i].

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[g] "Nec partium confessioni, quæ in his causis sæpè fallax est, temerè confidatur."—(Const. of 1597.)

[h] "Quòd matrimoniales causæ, quæ inter cæteras cum maturitate magnâ et diligentiâ sunt tractandæ, viris providis et fide dignis, et habentibus juris peritiam vel saltem competens exercitium causarum committantur."—(Const. Othon., 59.)

106. *No sentence for Divorce* (*divortii et separationis*) *to be given but in open Court* (*pro tribunali*).

No sentence shall be given either for separation *a thoro et mensa*, or for annulling of pretended matrimony, but in open court (*publicè*), and in the seat of justice; and that with the knowledge and consent either of the Archbishop within his province, or of the Bishop within his diocese, or of the Dean of the Arches, the Judge of the Audience of Canterbury, or of the Vicars General, or other principal Officials, or, *sede vacante*, of the Guardians of the Spiritualities, or other Ordinaries to whom of right it appertaineth, in their several jurisdictions and courts, and concerning them only that are then dwelling under their jurisdictions[k].

107. *In all sentences for Divorce, Bond to be taken for not marrying during each other's Life.* (*Separatis, eorum altero superstite, nova copula interdicta.*)

In all sentences pronounced only for divorce and separation *a thoro et mensa*, there shall be a caution and restraint (*monitio et prohibitio*) inserted in the act of the said sentence, That the parties so separated shall live chastely and continently; neither shall they, during each other's life, contract matrimony with any other person (*ad alias nuptias convoletur*). And, for the better observation of this last clause, the said sentence of divorce shall not be pronounced until the party or parties requiring the same have given good and sufficient (*idoneam*) caution and security into the court, that they will not any way break or transgress the said restraint (*monitionem*) or prohibition[l].

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[i] Constitution of 1597.

[k] Ibid.

"Secundùm Evangelicam disciplinam, (St. Mark x. 11; 1 Cor. vii. 11.) nec uxor à viro dimissa alium accipiat virum, vivente viro suo, nec vir aliam accipiat uxorem, vivente uxore priore; sed ità maneant, aut sibimet reconcilientur." (*Canon Ecgbr.*, c. 120; *Theodore's Canons*, 673, c. x.)

No clergyman is compelled to marry divorced persons by 20 and 21 Vict., c. 75, § 57, 58.

108. *The Penalty* (*sanctio*) *for Judges offending in the premises.*

And if any Judge, giving sentence of divorce or separation, shall not fully keep and observe the premises, he shall be, by the Archbishop of the province, or by the Bishop of the diocese, suspended from the exercise of his office for the space of a whole year[m]; and the sentence of separation, so given contrary to the form aforesaid, shall be held void to all intents and purposes of the law as if it had not at all been given or pronounced[n].

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[l] Constitution of 1597.

[m] "Tres menses."

[n] Constitution of 1597.

ECCLESIASTICAL COURTS BELONGING TO THE JURISDICTION OF BISHOPS AND ARCHDEACONS, AND THE PROCEEDINGS IN THEM.

109. *Notorious Crimes and Scandals to be certified* (*denuncianda*) *into Ecclesiastical Courts by Presentment.*

If any offend their brethren, either by adultery, whoredom (*stuprum*), incest, or drunkenness, or by swearing, ribaldry (*lenocinium*), usury, and any other uncleanness (*vitæ turpitudinem*), and wickedness of life, the Churchwardens or Questmen, and Sidemen, in their next presentments to their Ordinaries, shall faithfully present all and every of the said offenders, to the intent that they, and every of them, may be punished by the severity of the laws, according to their deserts: and such notorious offenders shall not be admitted to the Holy Communion till they be reformed.

The form of excommunication for adultery is added to the Canons of 1571.

Uncleanness is punishable by 13 Edw. I., st. 4; and swearing by 19 Geo. II., c. 21.

110. *Schismatics to be presented* (*in curiis detegendi*).

If the Churchwardens, or (*et*) Questmen or Assistants, do or shall know any man within their parish, or elsewhere, that is a hinderer of the Word of God to be read or sincerely preached, or of the execution of these our Constitutions, or a fautor of any usurped or foreign power, by the laws of this realm justly rejected and taken away, or a defender of Popish and erroneous doctrine; they shall detect and present the same to the Bishop of the diocese, or Ordinary of the place, to be censured and punished according to such Ecclesiastical Laws as are prescribed in that behalf.

"Ordinamus ut nullus prædicator Verbi Dei aut alia quævis persona de quocunque Sacramento ecclesiæ, seu Fidei articulo aliud doceat, prædicet, aut observet, quàm quod per sanctam matrem ecclesiæ reperitur discussum; nec vertat in dubium quod per ecclesiam [alicujus provinciæ particularem] terminatum fuerit, aut decisum; nec verba scandalosa circa eadem scienter proferat publicè vel occultè, neque sectam aut speciem hæreseos quamcunque prædicet doceat vel observet contra sanam doctrinam ecclesiæ. Qui autem contrarium præsumpserit excommunicationis sententiam ipso facto incurrat." (*Lyndw.*, lib. v. tit. 5.)

111. *Disturbers of Divine service to be presented (in curiis detegendi).*

In all visitations of Bishops and Archdeacons, the Churchwardens, or Questmen and (*sive*) Sidemen, shall truly and personally present the names of all those which behave themselves rudely and disorderly (*inciviliter et immodeste*) in the Church, or which by untimely ringing of bells, by walking, talking, or other noise, shall hinder (*interpellaverint*) the Minister or Preacher[o].

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[o] Roy. Injunc., 1559, Art. XXXVI.

Brawling is now punishable by 23 and 24 Vict., c. 32, § 2, 3.

112. *Non-Communicants* (*puberes non communicantes*) *at Easter to be presented.*

The Minister, Churchwardens, Questmen and (*sive*) Assistants of every Parish Church and Chapel, shall yearly, within forty days after Easter, exhibit to the Bishop or his Chancellor the names and surnames of all the Parishioners, as well men as women, which being of the age of sixteen years (*majores xvi. annis*) received not the Communion at Easter before.

"In festo Paschæ quilibet fidelis solet communicari." (*Lyndw.*, lib. v. tit. 17, p. 344.) 14 years, Can. 1571.

113. *Ministers may present.* (*Peccata notoria ministris jus est denunciare, privatìm confessa retegere nefas.*)

Because it often cometh to pass, that the Churchwardens, Sidemen, (*sive*) Questmen, and such other persons of the Laity as are to take care for the suppressing of sin and wickedness in their several parishes, as much as in them lieth, by admonition, reprehension, and denunciation to their Ordinaries, do forbear to discharge their duties therein, either through fear of their superiors, or through negligence, more than were fit, the licentiousness of these times considered; we ordain, That hereafter every Parson and Vicar, or, in the lawful absence of any Parson or Vicar, then their Curates and Substitutes, may join in every presentment with the said Churchwardens, (*et*) Sidemen, and the rest above mentioned, at the times hereafter limited, if they, the said Churchwardens and the rest, will present such enormities (*crimina et culpas enormes*) as are apparent (*notorias*) in the parish; or if they will not, then every such Parson and Vicar, or in their absence, as aforesaid, their Curates, may themselves present to their Ordinaries at such times, and when else they think it meet, all such crimes as they have in charge or otherwise, as by them (being the persons that should have the chief care for the suppressing of sin and impiety (*peccati*) in their parishes) shall be thought to require due reformation.

Provided always, That if any man[p] confess (*privatìm confiteatur*) his secret and hidden (*occultiora*) sins to the Minister, for the unburdening of his conscience, and to receive spiritual consolation[q] and ease of mind (*levamen*) from him; we do not any way bind the said Minister by this our Constitution, but do straitly charge and admonish[r] him, that he do not at any time reveal and make known to any person what-

[p] "Si conscientiâ sauciatus sit, liberum aditum habeat ad Ministrum; si plenè se ministro probaverit, crimine, si opus fuerit, solvatur."—(Reform. Leg. Eccles. de Div. Off., c. vii.) "Prohibemus sub pœnâ excommunicationis ne quis de çætero absque episcopi licentiâ expressâ vel præsumptâ confessiones audiat subditorum suorum [suæ diœceseos]."—(Lyndw., lib. v. tit. 13, p. 311.) The Reformatio, c. 7, requires communicants to attend the day before, and lays down certain directions for spiritual treatment, and, if need be, absolution.

[q] Scottish Canons, 1636, ch. xviii. § 9, "the bishop or presbyter shall, as they are bound, minister to the person so confessing all spiritual consolations out of the Word of God, and shall not deny him the benefit of absolution after the manner which is prescribed in the Visitation of the Sick, if the party shew himself truly penitent, and humbly desire to be absolved."

[r] "Monitio generalis tantùm operabitur quoad omnia quantùm specialis quoad quædam specialia."—(Lyndw., lib. iii. tit. 1, p. 123.) "Regulare est quòd gravem pœnam qualis est privatio beneficii vel alia hujusmodi præcedere debet monitio."—(Ib., lib. i. tit. 2, p. 15.)

soever any crime or offence (*delictum*) so committed to his trust and secrecy (*fidei et taciturnitati*), (except they be such crimes as by the laws of this realm his own life may be called into question for concealing the same) (*quorum occultatio sit capitalis*), under pain of irregularity[s].

Exhortation in the Holy Communion.—And because it is requisite, that no man should come to the Holy Communion, but with a full trust in God's mercy, and with a quiet conscience; therefore if there be any of you, who by this means cannot quiet his own conscience herein, but requireth further comfort or counsel, let him come to me, or to some other discreet and learned Minister of God's Word, and open his grief; that by the ministry of God's holy Word he may receive the benefit of absolution, together with ghostly counsel and advice, to the quieting of his conscience, and avoiding of all scruple and doubtfulness[t].

"Hath your minister at any time revealed the Confession of any made to him in secret, contrary to the 113th Canon, and so hath brought a scandall upon that ancient remedy of sinne and sinners?" (*Duppa's Art.*, 1638, § 15.)

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[s] "Omnes quos irregularitatem constat contraxisse ab executione officii denunciamus esse suspensos."—(Lyndw., lib. i. tit. 4, p. 28, 9.) "Sacerdos revelans confessionem confitentis deponi debet."—(Lyndw., lib. v. tit. 16, p. 335.)

"Irregularitas est ab officii executione suspensio. Irregularis se immiscere non potest officio ecclesiastico, ut, viz., publicè et solemniter ministret in ordine suo tempore quo dicuntur vesperæ, matutinæ, missæ vel aliæ horæ canonicæ. Irregularitas provenit, quia non obedit præceptis ecclesiæ."—(Lyndw., lib. i. tit. 4, p. 29.)

[t] The Council of Trent in anathematizing the opinion, "Confessionem tantùm esse utilem ad erudiendum et consolandum pœnitentem," (Sess. xiv. c. 7, de Pœnit.,) probably alludes to the former exhortations, which read "comfort and the benefit of absolution."

The rule of the English Church was as follows:—

1. "Ut certi confessores prudentes et discreti per singulos archidiaconatus ab episcopo statuantur." (*Lyndw.*, lib. v. tit. 16.)
2. "Peccata inquirat usitata [mortalia in genere], inusitata autem non, nisi à longè et per circumstantias [circumlocutiones indirectas] ut expertis detur modus confitendi, et inexpertis non detur occasio delinquendi."
3. "Sacerdos ad audiendum confessiones communem sibi locum [apertum sive publicum] eligat, ubi communiter ab omnibus videri poterit in ecclesiâ [corpore ecclesiæ] et in locis absconditis [secretis vel tenebrosis] non recipiat sacerdos alicujus."
4. "Nullus sacerdos alterius parochianum admittat ad pœnitentiam, nisi de licentiâ sui presbyteri vel episcopi."
5. "Confessiones mulierum extra velum [in choro; vel locum velatum vel co-opertum] audiantur; et in propatulo [aperto] quantùm ad visum [ut possint ab aliis existentibus in ecclesiâ videri] non quantùm ad auditum[u]."

"But it is against Christian liberty that any man should be bound to the numbering of his sins as it hath been used heretofore." (*Hom. of Repentance*, P. ii. p. 481, Oxf. edit.)

Rubric, Visitation of the Sick.—¶ Here shall the sick person be moved to make a special Confession of his sins, if he feel his conscience troubled with any weighty matter. After which Confession, the Priest shall absolve him (if he humbly and heartily desire it) after this sort. . . .

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[u] See Harl. MS. 4425, fo. 143.

114. *Ministers shall present Recusants.*

Every Parson, Vicar, or Curate, shall carefully inform themselves, every year hereafter, how many Popish Recusants, men, women, and children, above the age of thirteen years, and how many being popishly given (who, though they come to the Church, yet do refuse to receive the Communion), are inhabitants or make their abode, either as sojourners, or common guests, in any of their several parishes; and shall set down their true names in writing, (if they can learn them,) or otherwise such names as for the time they carry, distinguishing the absolute Recusants from half (*ex parte*) Recusants; and the same, so far as they know and believe, so distinguished and set down under their hands, shall truly present to their Ordinaries before the feast of the Nativity next ensuing, under pain of suspension to be inflicted upon them by the said ordinaries; and so every year hereafter, upon the like pain, before the feast of St. John Baptist. Also we ordain, That all such Ordinaries, Chancellors, Commissaries, Archdeacons, Officials, and all other Ecclesiastical Officers, to whom the said presentments shall be exhibited, shall likewise, within one month after the receipt of the same, under pain of suspension by the Bishop from the execution of their offices for the space of half a year, as often as they shall offend therein, deliver them, or cause them to be delivered, to the Bishop respectively; who shall also exhibit them to the Archbishop within six weeks, and the Archbishop to his Majesty within other six weeks, after he hath received the said presentments.

By the Constitutions of 1597 recusants and excommunicate persons were publicly denounced in the cathedral, and in their own parish church.

115. *Ministers and Churchwardens not to be sued for presenting.* (*Ne Ministris aut œconomis fraudi sit criminosorum detectio.*)

Whereas for the reformation of criminous persons and disorders in every parish, the Churchwardens, Questmen, Sidemen, and such other Church Officers, are sworn, and the Minister charged to present as well the crimes[v] and disorders committed by the said criminous persons, as also the common (*publicam*) fame which is spread abroad of them, whereby they are often maligned, and sometimes troubled (*molestia conflatur*), by the said delinquents[x], or their friends; we do admonish and exhort all Judges, both Ecclesiastical and Temporal, as they regard and reverence the fearful Judgment-seat of the highest Judge, that they admit not in any of their courts any complaint, plea, suit, or suits, against any such Churchwardens, Questmen,

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[v] "Delictum est genus generalissimum sive veniat ex animo vel non. Crimen continet sub se quæ ex animâ proveniunt et ex proposito, furtum, adulterium, &c. Peccatum est pravus actus; delictum, boni desertio, i.e. derelictum."—(Joh. de Athon., in Othob., t. 3.)

[x] This clause occurs in substance in the Canon of 1571, bidding them have recourse to the bishop for help. The parish minister was also bound to present offenders within twenty days after Easter.

Sidemen, or other Church Officers, for making any such presentments, nor against any Minister for any presentment that he shall make; all the said presentments tending to the restraint of shameless (*audaciam*) impiety; and considering that the rules both of charity and government do presume that they did nothing therein of malice, but for the discharge of their consciences (*fidei suæ liberandæ conscientia*).

116. *Churchwardens not bound to present oftener (tantùm) than twice a year.*

No Churchwardens, (*vel*) Questmen, or (*sive*) Sidemen of any parish shall be enforced to exhibit their presentments to any having Ecclesiastical jurisdiction, above once in every year, where it hath been no oftener used, nor above twice in any diocese whatsoever, except it be at the Bishop's Visitation. For the which presentments of every Parish Church or Chapel the Registrar of any court, where they are to be exhibited, shall not receive in one year above fourpence, under pain, for every offence therein, of suspension from the execution of his office for the space of a month, *toties quoties.* Provided always, That, as good occasion shall require, it shall be lawful for every Minister, Churchwardens, and Sidemen to present offenders as often as they shall think meet; and likewise for any godly-disposed (*piè affecto*) person, or for any Ecclesiastical Judge, upon knowledge, or notice given unto him or them of any enormous crime within his jurisdiction, to move (*admonere*) the Minister, Churchwardens, or Sidemen, as they tender (*respiciunt*) the glory of God and reformation (*correctionem*) of sin, to present the same, if they shall find sufficient cause to induce them thereunto, that it may be in due time punished and reformed. Provided, That for these voluntary presentments there be no fee required or taken of them, under the pain aforesaid.

117. *Churchwardens not to be troubled* (*in curiam vocandi*) *for not presenting oftener than twice a year.*

No Churchwardens, (*aut*) Questmen, or Sidemen, shall be called or cited, but only at the said time or times before limited, to appear before any Ecclesiastical Judge whatsoever, for refusing at other times to present any faults committed in their parishes and punishable by Ecclesiastical Laws. Neither shall they, nor any of them, after their presentments exhibited at any of those times, be any further troubled for the same, except upon manifest and evident (*certis*) proof it may appear, that they did then willingly and wittingly omit to present some such public crime or crimes as they knew to be committed, or could not be ignorant that there was then a public fame of them; or unless there be very just cause to call them for the explanation of their former presentments. In which case of wilful (*voluntariæ*) omission, their Ordinaries shall proceed against them in such sort as in causes of wilful perjury in a Court Ecclesiastical it is already by law provided.

118. *The old* (*anni superioris*) *Churchwardens to make their Presentments before the new* (*recens electi*) *be sworn* (*munus suum adeant*).

The office of all Churchwardens and Sidemen shall be reputed ever hereafter to continue until the new

Churchwardens that shall succeed them be sworn, which shall be the first week after Easter, or some week following, according to the direction of the Ordinary. Which time so appointed shall always be one of the two times in every year, when the Minister, and Churchwardens, and Sidemen of every parish shall exhibit to their several Ordinaries the presentments of such enormities (*criminum detectiones*) as have happened in their parishes since their last presentments. And this duty they shall perform before the newly-chosen Churchwardens and Sidemen be sworn, and shall not be suffered to pass over the said presentments to those that are newly come into office, and are by intendment ignorant of such crimes; under pain of those censures which are appointed for the reformation of such dalliers and dispensers with their own consciences and oaths.

119. *Convenient time to be assigned for framing Presentments.* (*Detectionum schedulæ fide bonâ non perfunctoriè et pro formâ conficiendæ.*)

For the avoiding of such inconveniences as heretofore have happened by the hasty making of bills of presentments, upon the days of the Visitation and Synods, it is ordered, That always hereafter every Chancellor, Archdeacon, Commissary, and Official, and every other person having ecclesiastical jurisdiction, at the ordinary time when the Churchwardens are sworn; and the Archbishop and Bishops, when he or they do summon their Visitation, shall deliver, or cause to be delivered to the Churchwardens, Questmen, and Sidemen, of every parish, or to some of them, such books of articles[y] as they, or any of them, shall require, for the year following, the said Churchwardens, Questmen, and Sidemen, to ground their presentments upon, at such times as they are to exhibit them. In which book shall be contained the form of the oath, which must be taken immediately before every such presentment; to the intent that, having beforehand time sufficient, not only to peruse and consider what their said oath shall be, but the articles also whereupon they are to ground their presentments, they may frame them at home both advisedly and truly, to the discharge of their own consciences, after they are sworn, as becometh honest and godly men.

120. *None to be cited into Ecclesiastical Courts by Process of* Quorum Nomina (*nisi expressis citandorum nominibus*).

No Bishop, Chancellor, Archdeacon, Official, or other Ecclesiastical Judge, shall suffer any general processes of *Quorum Nomina* to be sent out of his court: except the names of all such as thereby are to be cited shall be first expressly entered by the hand of the Registrar, or his deputy, under the said processes, and the said processes and names be first subscribed by the Judge, or his Deputy, and his seal thereto affixed[z].

"Officialis (1) cui episcopus vices suas committit (2) is cui generaliter committitur causarum cognitio per episcopum, et talis officialis habet idem auditorium cum episcopo ipsum deputante. A tali officiali non appellatur ad ipsum episcopum, sed ad eum ad quem appellari debet ab ipso Episcopo." (*Lyndw.*, lib. i. tit. 2, p. 14; see also lib. ii. tit. 4, p. 105.)

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[y] In 1640, by Can. 9, the Convocation caused a summary or collection of Visitation Articles, out of the rubrics of the Service-book, and the Canons, and warrantable rules of the Church, to be made, and for further direction, to be deposited in the hands of the Archbishop of Canterbury. In 1661, Cosin drew up a form of Visitation Articles.

[z] Constitutions of 1597.

"Citatio fit quadruplex (1) literis Judicis (2) voce seu denunciatione præconis (3) per edictum, in albo prætorum: (4) ordinatione juris." (*Const. Oth.*, 63).

"Dicitur Scriptura authentica, non solùm si sigillo episcopi fuerit consignata, immò etiamsi sigillo cujuslibet alterius inferioris judicis ordinarii vel delegati." (*Const. Othon.*, 67.)

121. *None to be cited* (*cogatur respondere*) *into several Courts for* (*super*) *one Crime.*

In places where the Bishop and Archdeacon do by prescription or composition visit at several times in one and the same year, lest for one and the selfsame fault any of his Majesty's subjects should be challenged and molested in divers Ecclesiastical Courts; we order and appoint, That every Archdeacon, or his Official, within one month after the Visitation ended that year, and the presentments received, shall certify under his hand and seal to the Bishop, or his Chancellor, the names and crimes (*delictis*) of all such as are detected and presented in his said Visitation, to the end the Chancellor shall thenceforth forbear to convent any person for any crime or cause so detected or presented to the Archdeacon. And the Chancellor within the like time after the Bishop's Visitation ended, and presentments received, shall under his hand and seal signify to the Archdeacon, or his Official, the names and crimes of all such persons which shall be detected or presented unto him in that Visitation to the same intent as is aforesaid. And if these officers shall not certify each other, as is here prescribed, or after such certificate shall intermeddle with the crimes or persons detected and presented in each other's Visitation; then every of them so offending shall be suspended from all exercise of his jurisdiction by the Bishop of the diocese, until he shall repay the costs and expenses (*omnes*) which the parties grieved have been at by that vexation.

122. *No Sentence of Deprivation or Deposition (sententiæ à beneficio vel officio removendis), to be pronounced against a Minister but by the Bishop.*

When any Minister is complained of in any Ecclesiastical Court belonging to any Bishop of his province, for any crime, the Chancellor, Commissary, Official, or any other having ecclesiastical jurisdiction, to whom it shall appertain, shall expedite the cause by processes and other proceedings against him: and upon contumacy for not appearing, shall first suspend him; and afterwards, his contumacy continuing, excommunicate him. But if he appear, and submit himself to the course of law, then the matter being ready for sentence, and the merits of his offence exacting by law either deprivation from his living, or deposition from the ministry (*Deprivationem, vel depositionem à Sacris Ordinibus*), no such sentence shall be pronounced by any person whomsoever, but only by the Bishop, with the assistance of his Chancellor, the Dean (if they may conveniently be had), and some of the Prebendaries, if the court be kept near the Cathedral Church, or of the Archdeacon, if he may be had conveniently, and two other at the least grave Ministers and Preachers, to be called by the Bishop when the court is kept in other places.

"Deprivation actual, exauctoration or degradation, or deposition strictly, is when a clerk is deprived solemnly of his orders: a deprivation verbal or real, is removal of a man summarily from his office and benefice." (*Ayliffe*, *Parergon*, 207.)

123. *No act* (*actus judiciales*) *to be sped but in open Court* (*publicâ et auctenticâ manu*).

No Chancellor, Commissary, Archdeacon, Official, or any other person using ecclesiastical jurisdiction whosoever, shall speed (*expediet*) any judicial act, either of contentious or voluntary jurisdiction [a], except he have the ordinary Registrar of that Court, or his lawful Deputy: or if he or they will not, or cannot be present, then such persons as by law are allowed in that behalf to write or speed the same, under pain of suspension *ipso facto*.

124. *No Court to have more than one Seal.*

No Chancellor, Commissary, Archdeacon, Official, or any other exercising ecclesiastical jurisdiction, shall without the Bishop's consent have any more seals than one, for the sealing of all matters incident to his office: which seal shall always be kept either by himself, or by his lawful Substitute exercising jurisdiction for him, and remaining within the jurisdiction of the said Judge, or in the city or principal town of the county. This seal shall contain the title of that jurisdiction, which every of the said Judges or their Deputies do execute[b].

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[a] Jurisdiction is, 1. Voluntary, relating to Visitations, Institutions, Sequestrations, Licences, &c.; 2. Judicial or Contentious, consisting of Probate of Wills, determining Causes, &c.

"Sigillum habeant non solùm archiepiscopi et episcopi sed etiam eorum officiales, decani, archidiaconi, et eorum officiales, et decani rurales." (*Const. Othon.*, 68.) "Habeat unusquisque sigillum, puta, nomen dignitatis, officii, et etiam illorum proprium nomen qui dignitatis vel officii perpetui gaudent honore, insculptum notis et characteribus manifestis. Illi qui temporale officium suscipiunt, puta, decani rurales et officiales sigillum suum, quod tantùm nomen officii habeat insculptum: finito officio, ei, à quo habuerint officium, continuò et sine molestiâ, resignent. Sanè de custodiâ Sigillorum curam haberi diligentem præcipimus, ut unusquisque per se illud custodiat, vel uni soli, de cujus fide confidat, custodiendum committat." (*Const. Othon.*, 69.)

125. *Convenient* (*opportuna*) *Places to be chosen for the keeping of Courts.*

All Chancellors, Commissaries, Archdeacons, Officials, and all other exercising ecclesiastical jurisdiction, shall appoint such meet places for the keeping of their courts, by the assignment or approbation of the Bishop of the diocese, as shall be convenient for entertainment (*excipiendos*) of those that are to make their appearance there, and most indifferent for their travel (*ad laborem itineris minuendum maximè commodi*). And likewise they shall keep and end their courts in such convenient time as every man may return homewards in as due season as may be.

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[b] For seals, see Lyndwood, lib. v. tit. 5, p. 289.

126. *Peculiar and inferior Courts to exhibit the original Copies of Wills into the Bishop's Registry.*

Whereas Deans, Archdeacons, Prebendaries, Parsons, Vicars, and others, exercising ecclesiastical jurisdiction, claim liberty to prove the last wills and testaments of persons deceased within their several jurisdictions, having no known nor certain Registrars, nor public place to keep their records in: by reason whereof many wills, rights, and legacies, upon the death or change of such persons, and their private Notaries, miscarry and cannot be found, to the great prejudice of his Majesty's subjects; we therefore order and enjoin, That all such possessors and exercisers of peculiar jurisdiction shall once in every year exhibit into the public registry of the Bishop of the diocese, or of the Dean and Chapter, under whose jurisdiction the said peculiars are, every original testament of every person in that time deceased, and by them proved in their several peculiar jurisdictions, or a true copy of every such testament, examined, subscribed, and sealed by the peculiar Judge and his Notary. Otherwise, if any of them fail so to do, the Bishop of the diocese, or Dean and Chapter, unto whom the said jurisdictions do respectively belong, shall suspend the said parties, and every of them, from the exercise of all such peculiar jurisdiction, until they have performed this our Constitution.

JUDGES ECCLESIASTICAL AND THEIR SURROGATES.

127. *The Quality and Oath of Judges.*

No man shall hereafter be admitted a Chancellor, Commissary, or Official[c], to exercise any ecclesiastical jurisdiction, except he be of the full age of six-and-twenty years at the least, and one that is learned in the Civil and Ecclesiastical Laws, and is at the least a Master of Arts, or Bachelor of Law, and is reasonably well practised (*laudabiliter exercitatus*) in the course thereof (*praxi et causis forensibus*), as likewise well (*rectè*) affected, and zealously bent (*studiosè deditus*) to religion, touching whose life and manners (*moribus*) no evil example (*nullus sermo sinister*) is had; and except, before he enter into or execute any such office, he shall take the oath of the King's supremacy in the presence of the Bishop, or in the open court, and shall subscribe to the Articles of Religion agreed upon in the Convocation, in the year one thousand five hundred sixty and two, and shall also swear that he will, to the uttermost of his understanding (*pro captu suo*), deal uprightly and justly (*integrè et ex æquo*) in his office, without respect or favour or reward (*mercedis*); the said oaths and subscription to be recorded by a Registrar then present. And likewise all Chancellors, Commissaries, Officials, Registrars, and all others that do now possess or execute any places of ecclesiastical jurisdiction, or service, shall before Christmas next, in the presence of the Archbishop or Bishop, or in open court, under whom or where they exercise their offices, take the same oaths, and subscribe, as before is said; or, upon refusal so to do, shall be suspended from the execution of their offices, until they shall take the said oaths, and subscribe as aforesaid.

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[c] "Officiales dicuntur quibus causarum cognitio generaliter per habentes jurisdictionem ecclesiasticam committatur, et in tales transfunditur cognitio causarum totius Diœceseos, non tamen inquisitio nec correctio nec punitio criminum, nec possunt alioquòs amovere à beneficiis nec conferre beneficia nisi specialiter fuerint talia eis concessa." The official was the archdeacon's deputy. "Vicarii generales omnia prædicta facere possunt virtute officii exceptâ collatione beneficiorum." The Vicar-general, or principal official, was the Bishop's Chancellor. "Non omnes deputati ad universitatem causarum sunt officiales, sed plures eorum vocantur Commissarii generales. Potestas officialium non solùm per revocationem sed etiam per mortem deputantis cessat."—(Lyndw., lib. ii. tit. 4; and tit. i. pp. 80, 105.) The Commissary was the bishop's substitute for a particular sort of causes, or in a remote part of his jurisdiction.

128. *The Quality of Surrogates*[d] (*Deputandorum*).

No Chancellor, Commissary, Archdeacon, Official, or any other person using ecclesiastical jurisdiction, shall at any time substitute in their absence any to keep any court for them, except he be either a grave Minister and a Graduate, or a licensed public Preacher, and a beneficed man near the place where the courts are kept, or a Bachelor of Law, or a Master of Arts at least, who hath some skill in the Civil and Ecclesiastical (*canonico*) Law, and is a favourer of true Religion (*de veræ reli-*

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[d] Surrogati, Deputies or Delegates of an Ecclesiastical judge.

gionis studio), and a man of modest (*sobrio*) and honest conversation (*vitæ cultu*): under pain of suspension, for every time that they offend therein, from the execution of their offices, for the space of three months, *toties quoties:* and he likewise, that is deputed, being not qualified as is before expressed, and yet shall presume to be a Substitute to any Judge, and shall keep any court, as is aforesaid, shall undergo the same censure in manner and form as is before expressed.

A Surrogate must first take an oath to execute his office faithfully according to law. (4 Geo. IV., c. 76, § 18.)

PROCTORS.

129. *Proctors not to retain Causes without the lawful Assignment of the Parties.*

None shall procure in any cause whatsoever, unless he be thereunto constituted and appointed by the party himself, either before the Judge, and by act in court, or unless, in the beginning of the suit, he be, by a true and sufficient proxy thereunto warranted and enabled. We call that proxy sufficient, which is strengthened and confirmed by some authentical seal, the party's approbation, or at least his ratification therewithal concurring. All which proxies shall be forthwith by the said Proctors exhibited into the court, and be safely kept and preserved by the Registrar in the public registry of the said court. And if any Registrar or Proctor shall offend herein, he shall be excluded from the exercise of his office for the space of two months, without hope of release or restoring.

"Citatus ad diem certum procuratorem tantum constituat ad eundem absque literis, vel per literas sigillo authentico non signatas, &c." (*Const. Othon.*, 62.)

"Usus procuratorum in obsequium justitiæ introductus, ut qui causæ suæ intendere non potest, ejus absentia per alium relevetur." (*Const. Othon.*, 61.)

[1205.] "Nullus de cætero permittatur Advocationis officium publicè exercere, nisi priùs ad minus per triennium audiverit cum debitâ diligentiâ jus Canonicum et jus civile." (*Lyndw.*, lib. i. tit. 18.)

130. *Proctors not to retain Causes without the counsel of an Advocate.*

For lessening and abridging the multitude of suits and contentions, as also for preventing the complaints of suitors in Courts Ecclesiastical, who many times are overthrown by the oversight and negligence, or by the ignorance and insufficiency of Proctors; and likewise for the furtherance and increase of learning, and the advancement of Civil and Canon Law [e], following the laudable custom heretofore observed in the Courts pertaining to the Archbishop of Canterbury; we will and ordain, that no Proctor exercising in any of them shall entertain any cause whatsoever, and keep and retain the same for two court days, without the counsel and advice of an Advocate, under pain of a year's suspension from his practice; neither shall the Judge have power to release or mitigate the said penalty, without express mandate and authority from the Archbishop aforesaid.

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[e] "Jus Canonicum ab ecclesiâ seu viris ecclesiasticis institutum. Advocatus audiverit jus civile secundùm remissiones quæ ponuntur in glossâ Juris Canonici, et sine quibus jura canonica, præsertim in judicialibus, non possunt benè intelligi nec sciri." —(Lyndw., lib. i. tit. 18, p. 76.)

131. *Proctors not to conclude in any Cause without the knowledge of an Advocate.*

No Judge in any of the said courts of the Archbishop shall admit any libel, or any other matter, without the advice of an Advocate, admitted to practise in the same court, or without his subscription; neither shall any Proctor conclude any cause depending without the knowledge of the Advocate retained and feed in the cause: which if any Proctor shall do, or procure to be done, or shall by any colour whatsoever defraud the Advocate of his duty or fee, or shall be negligent in repairing to the Advocate, and requiring his advice what course is to be taken in the cause, he shall be suspended from all practice for the space of six months, without hope of being thereunto restored before the said term be fully complete.

132. *Proctors prohibited the Oath,* In animam domini sui.

Forasmuch as in the probate of testaments and suits for administration of the goods of persons dying intestate, the oath usually taken by Proctors of Courts, *In animam constituentis*, is found to be inconvenient; we do therefore decree and ordain, That every executor, or suitor for administration, shall personally repair to the Judge in that behalf, or his Surrogate, and in his own person (and not by Proctor) take the oath accustomed in these cases. But if by reason of sickness, or age, or any other just let or impediment, he be not able to make his personal appearance before the Judge, it shall be lawful for the Judge (there being faith first made by a credible person of the truth of his said hindrance or impediment) to grant a commission to some grave Ecclesiastical Person, abiding near the party aforesaid, whereby he shall give power and authority to the said Ecclesiastical Person in his stead, to minister the accustomed oath above mentioned to the executor, or suitor for such administration, requiring his said substitute, that by a faithful and trusty messenger he certify the said Judge truly and faithfully what he hath done therein. Lastly, we ordain and appoint, That no Judge or Registrar shall in any wise receive for the writing, drawing, or sealing of any such commission, above the sum of six shillings and eightpence; whereof one moiety to be for the Judge, and the other for the Registrar of the said court.

133. *Proctors not to be clamorous* (*vox importunior*) *in Court.*

Forasmuch as it is found by experience, that the loud and confused cries and clamours of Proctors in the courts of the Archbishop are not only troublesome and offensive to the Judges and Advocates, but also give occasion to the standers-by, of contempt and calumny toward the court itself; that more respect may be had to the dignity of the Judge as heretofore, and that causes may more easily and commodiously be handled and dispatched, we charge and enjoin, That all Proctors in the said courts do especially intend, that the acts be faithfully entered and set down by the Registrar, according to the advice and direction of the Advocate; that the said Proctors refrain loud speech and babbling (*strepitu et verborum contentione*), and behave themselves quietly and modestly; and that when either the Judges or Advocates, or any of them, shall happen to speak, they presently be silent, upon pain of silencing for two whole terms then immediately following every such offence of theirs. And if any of them shall the second time offend therein, and after due monition shall not reform himself, let him be for ever removed from his practice.

REGISTRARS.

134. *Abuses to be reformed in Registrars.*

If any Registrar, or his Deputy or Substitute whatsoever, shall receive any certificate without the knowledge and consent of the Judge of the court, or willingly omit to cause any person cited to appear upon any court-day, to be called; or unduly put off and defer the examination of witnesses to be examined by a day set and assigned by the Judge; or do not obey and observe the judicial and lawful monition of the said Judge; or omit to write, or cause to be written, such citations and decrees as are to be put in execution and set forth before the next court-day; or shall not cause all testaments exhibited into his office to be registered within a convenient time, or shall set down or enact, as decreed by the Judge, any thing false, or conceited by himself, and not so ordered or decreed by the Judge; or, in the transmission of processes to the Judge *ad quem*, shall add or insert any falsehood or untruth, or omit any thing therein, either by cunning, or by gross negligence; or in any causes of instance, or promoted of office, shall receive any reward in favour of either party; or be of counsel directly or indirectly with either of the parties in suit; or in the execution of their office shall do aught else maliciously or fraudulently, whereby the said Ecclesiastical Judge, or his proceedings, may be slandered or defamed; we will and ordain, That the said Registrar, or his Deputy or Substitute, offending in all or any of the premises, shall by the Bishop of the diocese be suspended from the exercise of his office for the space of one, two, or three months, or more, according to the quality of his offence; and that the said Bishop shall assign some other Public Notary to execute and discharge all things appertaining to his office, during the time of his said suspension.

135. *A certain Rate of Fees due to all Ecclesiastical Officers.*

No Bishop, Suffragan, Chancellor, Commissary, Archdeacon, Official, nor any other exercising ecclesiastical jurisdiction whatsoever, nor any Registrar of any Ecclesiastical courts, nor any Minister belonging to any of the said offices or courts, shall hereafter, for any cause incident to their several offices, take or receive any other or greater fees than such as were certified to the most reverend Father in God, John, late Archbishop of Canterbury, in the year of our Lord God one thousand five hundred ninety and seven, and were by him ratified and approved; under pain that every such Judge, Officer or Minister offending herein, shall be suspended from the exercise of their several offices for the space of six months, for every such offence. Always provided, That if any question shall arise concerning the certainty of the said fees, or any of them, then those fees shall be held for lawful, which the Archbishop of Canterbury for the time being shall under his hand approve, except the statutes of this realm before made do in any particular case express some other fees to be due. Provided furthermore, That no fee or money shall be received either by the Archbishop, or any Bishop, or Suffragan, either directly or indirectly, for admitting of any into sacred orders[f]; nor that any other person or persons under the said Archbishop, Bishop, or Suffragan, shall for parchment, writing, wax, sealing, or any other respect thereunto appertaining, take above ten shillings, under such pains as are already by law prescribed[g].

136. *A Table of the Rates and Fees to be set up in Courts and Registries*[h].

We do likewise constitute and appoint, That the Registrars belonging to every such Ecclesiastical Judge shall place two tables, containing the several rates and sums of all the said fees; one in the usual place or consistory where the court is kept, and the other in his registry; and both of them in such sort, as every man, whom it concerneth, may without difficulty come to the view and perusal thereof, and take a copy of them: the same tables to be so set up before the feast of the Nativity next ensuing. And if any Registrar shall fail to place the said tables according to the tenor hereof, he shall be suspended from the execution of his office, until he cause the same to be accordingly done: and the said tables being once set up, if he shall at any time remove, or suffer the same to be removed, hidden, or any way hindered from sight, contrary to the true meaning of this Constitution, he shall for every such offence be suspended from the exercise of his office for the space of six months.

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[f] Fees for letters of Orders "ratione peccati quàm consuetudinis prohibentur." They are to contain "nomina ordinantis quàm ordinati, et susceptionem cujusque ordinis, ac tempus ac locum ordinationis," and to bear the bishop's seal.—(Const. Oth., 18.)

[g] Council of Chalcedon, c. 2, "if any bishop shall ordain for money let him lose his orders."—(Corboyl's Canons, 1127, c. 2.)

[h] Constitutions of 1597; Lyndw., lib. iii. tit. 7.

137. *The whole Fees for shewing Letters of Orders and other Licences, due but once in every Bishop's time.*

Forasmuch as the chief and principal (*non minima*) cause and use (*effectus*) of Visitation is, that the Bishop, Archdeacon, or other assigned to visit, may get some good knowledge of the state, sufficiency, and ability (*facultatibus*) of the Clergy, and other persons whom they are to visit; we think it convenient, that every Parson, Vicar, Curate, Schoolmaster, or other person licensed whosoever, do at the Bishop's first Visitation, or at the next Visitation after his admission, shew and exhibit unto him his Letters of Orders, Institution, and Induction, and all other his Dispensations, Licences, or Faculties whatsoever, to be by the said Bishop either allowed, or (if there be just cause) disallowed and rejected, and being by him approved, to be, as the custom is, signed by the Registrar; and that the whole fees accustomed to be paid in the Visitations in respect of the premises, be paid only once in the whole time of every Bishop, and afterwards but half of the said accustomed fees in every other Visitation, during the said Bishop's continuance.

The ancient rules for procurations are given in Lyndwood, lib. i. tit. 10; lib. iii. c. 22.

APPARITORS.

138. *The number of Apparitors restrained*[i].

Forasmuch as we are desirous to redress such abuses and aggrievances as are said to grow by Sumnors or Apparitors, we think it meet that the multitude of Apparitors be (as much as is possible) abridged or restrained: wherefore we decree and ordain, That no Bishop or Archdeacon, or their Vicars, or Officials, or other inferior Ordinaries, shall depute or have more Apparitors to serve in their jurisdictions respectively, than either they or their predecessors were accustomed to have thirty years before the publishing of these our present Constitutions. All which Apparitors shall by themselves faithfully execute their offices; neither shall they, by any colour or pretence whatsoever, cause or suffer their mandates to be executed by any Messengers or Substitutes, unless it be upon some good cause to be first known and approved by the Ordinary of the

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"Bedelli seu apparitores," founded on older Constitutions, [Lyndw., lib. iii. tit. 22,] "faciunt reos apparere in conspectu judicum; ipsi ad obsequendum semper apparent et sunt parati." —(Ibid., lib. ii. tit. 1.) Sumnor, a summoner.

place. Moreover they shall not take upon them the office of Promoters or Informers for the Court, neither shall they exact more or greater fees than are in these our Constitutions formerly prescribed. And if either the number of the Apparitors deputed shall exceed the aforesaid limitation, or any of the said Apparitors shall offend in any of the premises; the persons deputing them, if they be Bishops, shall, upon admonition of their superior, discharge the persons exceeding the number so limited; if inferior Ordinaries, they shall be suspended from the execution of their office, until they have dismissed the Apparitors by them so deputed; and the parties themselves so deputed shall for ever be removed from the office of Apparitors; and if, being so removed, they desist not from the exercise of their said offices, let them be punished by ecclesiastical censures, as persons contumacious. Provided, That if upon experience the number of the said Apparitors be too great in any diocese in the judgment of the Archbishop of Canterbury for the time being, they shall by him be so abridged, as he shall think meet and convenient[k].

AUTHORITY OF SYNODS.

139. *A National Synod the Church Representative.*

Whosoever shall hereafter affirm, That the Sacred Synod[l] of this nation, in the name of Christ and by the King's authority assembled, is not the true Church of England by representation, let him be excommunicated, and not restored, until he repent, and publicly revoke that his wicked error.

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[k] Constitutions of 1597.

[l] "Concilia Provincialia singulis annis celebrari ponitur sub præcepto. Præsenti Sacro approbante Concilio."—(Præfatio Othob., p. 79.)

140. *Synods conclude (obligant) as well the absent as the present.*

Whosoever shall affirm, That no manner of person, either of the Clergy or Laity, not being themselves particularly assembled in the said sacred Synod, are to be subject to the decrees thereof in causes Ecclesiastical (made and ratified by the King's Majesty's supreme authority), as not having given their voices unto them, let him be excommunicated, and not restored, until he repent and publicly revoke that his wicked error.

141. *Depravers of (derogantes auctoritati) the Synod censured (coerciti).*

Whosoever shall hereafter affirm, That the sacred Synod, assembled as aforesaid, was a company of such persons as did conspire together (*conflatum*) against godly (*pios*) and religious professors of the Gospel, and that therefore both they and their proceedings in making of Canons and Constitutions in causes Ecclesiastical by the King's authority, as aforesaid, ought to be despised (*rejici*) and contemned, the same being ratified, confirmed, and enjoined by the said regal power, supremacy, and authority; let them be excommunicated, and not restored, until they repent and publicly revoke that their wicked error.

"Synodus est dictio generalis, significans tam Concilium generale, quàm etiam Concilium Provinciale, quod vocat Archiepiscopus: solet dici concilium factum sive congregatum per Episcopum in suâ diœcesi." (*Lyndw.*, lib. i. tit. 3, p. 19.)

"The Body Spiritual of the realm of England having power, when any cause of the Law Divine happened to come in question, or of Spiritual Learning, then it was declared, interpreted, and shewed by the part of the said Body politic, called the Spiritualty, now being usually called the English Church, which always hath been reputed and found of that sort, that both for knowledge, integrity, and sufficiency of number, it hath been always thought and is also at this hour sufficient and meet of itself, without the intermeddling of any exterior person or persons to declare and determine all such doubts, and to administer all such offices and duties as to their rooms spiritual doth appertain." (24 Hen. VIII., c. 12, A.D. 1532.)

"The Clergy from henceforth shall not presume to attempt, alledge, claim, or put in use any Canons, Constitutions, or Ordinances, Provincial or Synodal, or any other Canons, nor shall enact, promulge, or execute any such Canons, Constitutions, or Ordinances Provincial, by whatsoever name or names they may be called in their Convocations in time coming, which alway shall be assembled by authority of the King's writ, unless the same Clergy may have the King's most royal assent and licence to make, promulge, and execute such Canons, Constitutions, and Ordinances, Provincial or Synodal, upon pain to suffer imprisonment and make fine at the King's will." (25 Hen. VIII., c. xix. § 1, A.D. 1533; see also p. 4, note.)

By 3 and 4 Edw. VI., c. xi., the king had "authority, by the advice of his Council, to name 32 persons to examine the ecclesiastical laws, and compile such laws as shall be thought to him, his Council, and them convenient, to be practised within this realm in all spiritual courts, so that any law to be set forth be not contrary to any common law or statute of this realm."

It should be borne in mind that the Upper House of Convocation is composed of prelates, who, as lords spiritual, form in the eye of the law an estate of this kingdom. (*Blackstone's Comm.*, i. 151.)

The decisions of Convocation are quoted in 25 Hen. VIII., c. xix. § 1; 26 Hen. VIII., c. i.; 31 Hen. VIII., 14; 13 Eliz. c. xii. § 1, and 13 & 14 Car. II., c. iv. § 1.

A State paper of 1604, signed by Dudley Carleton, says "that in any matter concerning religion thought fit by the king to be declared or determined, Convocation is to dispute and determine points which are in question, out of the Scriptures, Councils, and Fathers." (*Dom. Ser.*, Jas. I., vol. viii. fo. 26.)

WE of our princely inclination and royal care for the maintenance of the present estate and government of the Church of England, by the laws of this our Realm now settled and established, having diligently, with great contentment and comfort, read and considered of all these their said Canons, Orders, Ordinances, and Constitutions, agreed upon, as is before expressed; and finding the same such as we are persuaded will be very profitable, not only to our Clergy, but to the whole Church of this our Kingdom, and to all the true Members of it, if they be well observed; have therefore for us, our Heirs, and lawful Successors, of our especial grace, certain knowledge, and mere motion, given, and by these presents do give our royal assent, according to the form of the said Statute or Act of Parliament aforesaid, to all and every of the said Canons, Orders, Ordinances, and Constitutions, and to all and every thing in them contained, as they are before written.

And furthermore, we do not only by our said Prerogative Royal, and supreme Authority in causes Ecclesiastical, ratify, confirm, and establish, by these our Letters Patent, the said Canons, Orders, Ordinances, and Constitutions, and all and every thing in them contained, as is aforesaid; but do likewise propound, publish, and straightway enjoin and command by our said Authority, and by these our Letters Patent, the same to be diligently observed, executed, and equally kept by all our loving Subjects of this our Kingdom both within the Province of Canterbury and York, in all points wherein they do or may concern every or any of them, according to this our will and pleasure hereby signified and expressed; and that likewise for the better observation of them, every Minister, by what name or title soever he be called, shall in the Parish Church or Chapel where he hath charge, read all the said Canons, Orders, Ordinances, and Constitutions, once every year, upon some Sunday, or Holy-days, in the Afternoon, before Divine Service, dividing the same in such sort, as that the one half may be read one day, and the other another day: the Book of the said Canons to be provided at the charge of the Parish, betwixt this and the Feast of the Nativity of our Lord God next ensuing: straitly charging and commanding all Archbishops, Bishops, and all other that exercise any Ecclesiastical Jurisdiction within this Realm, every man in his place, to see, and procure, (so much as in them lieth) all and every of the same Canons, Orders, Ordinances, and Constitutions, to be in all points duly observed; not sparing to execute the penalties in them severally mentioned, upon any that shall wittingly or wilfully break or neglect to observe the same, as they tender the honour of God, the peace of the Church, the tranquillity of the Kingdom, and their duties and service to us their King and Sovereign.

In witness, &c.

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